

# MAINE STATE LEGISLATURE

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L.D. 2312

(Filing No. S- 639)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 909, L.D. 2312, Bill, "An Act to Establish the Office of Substance Abuse"

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the effective and coordinated delivery of substance abuse prevention services is essential for Maine citizens; and

**Whereas,** the Office of Substance Abuse created by this Act is the most effective mechanism for delivering those services; and

**Whereas,** emergency action is necessary so that this Act can take effect on July 1, 1990; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in Part A in section A-3 in that part designated "~~§20005.~~" by striking out all of subsection 6 (page 5, lines 17 to 19 in L.D.) and inserting in its place the following:

'6. Contracts and licensing. Through the director:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services; and

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2           B. Establish operating and treatment standards, and inspect  
4           and issue certificates of approval for drug abuse treatment  
            facilities or programs, including residential treatment  
            centers, pursuant to section 20024.

6  
8           The director may delegate contract and licensing duties under  
            this subsection to the Department of Human Services, the  
10           Department of Corrections or the Department of Mental Health and  
            Mental Retardation, as long as that delegation ensures that  
12           contracting for substance abuse services provided in community  
            settings are consolidated within the Department of Human  
14           Services, that contracting for substance abuse services delivered  
            within correctional facilities are consolidated within the  
16           Department of Corrections and that contracting for substance  
            abuse services delivered within mental health and mental  
18           retardation facilities are consolidated within the Department of  
            Mental Health and Mental Retardation;'

20           Further amend the bill in Part A in section A-3 in that part  
22           designated "§20005." by striking out all of subsection 12 (page  
            5, lines 45 to 49 in L.D.) and inserting in its place the  
            following:

24           '12. Rules. Adopt rules, in accordance with the Maine  
26           Administrative Procedure Act, necessary to carry out the purposes  
            of this chapter and approve any rules adopted by state agencies  
28           for the purpose of implementing alcohol or drug abuse prevention  
            or treatment programs.

30           All state agencies must comply with rules adopted by the office  
32           regarding uniform substance abuse contracting requirements,  
            formats, schedules, data collection and reporting requirements;  
34           and'

36           Further amend the bill in Part A in section A-3 in that part  
38           designated "§20008." in subsection 3 in the 3rd line (page 7,  
            line 19 in L.D.) by striking out the following: "to 20047" and  
            inserting in it place the following: 'to 20046'

40           Further amend the bill in Part A in section A-3 by striking  
42           out all of that part designated "§20023." (page 9, lines 4 to 10  
            in L.D.) and inserting in its place the following:

44           '§20023. Education

46           To the fullest extent possible, the Commissioner of  
48           Educational and Cultural Services shall coordinate all elementary  
            and secondary school alcohol and drug abuse education programs  
50           administered by the Department of Educational and Cultural  
            Services and funded under the federal Drug-Free Schools and  
52           Communities Act of 1986 with programs administered by the

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2 office. The Commissioner of Educational and Cultural Services  
3 shall participate in planning, budgeting and evaluation of  
4 substance abuse programs, in cooperation with the Substance Abuse  
5 Advisory Group, and ensure that alcohol and drug abuse education  
6 programs administered by the Department of Educational and  
7 Cultural Services that involve any community participation are  
8 coordinated with available treatment services.

9  
10 The Commissioner of Educational and Cultural Services, in  
11 cooperation with the Substance Abuse Advisory Group, shall  
12 prepare a plan to ensure the coordination and consolidation of  
13 substance abuse education programs and must present the plan to  
14 the director by January 1, 1992. The plan must be consistent  
15 with requirements of the federal Drug-Free Schools and  
16 Communities Act of 1986 and this chapter.

17 Nothing in this section interferes with the authority of the  
18 Department of Educational and Cultural Services to receive and  
19 allocate federal funds under the federal Drug-Free Schools and  
20 Communities Act of 1986.

21 **§20024. Licensing**

22  
23 The office may periodically enter, inspect and examine a  
24 treatment facility or program and examine its books and  
25 accounts. The office shall fix and collect the fees for the  
26 inspection and certification and shall maintain a list of  
27 approved public and private treatment facilities.

28  
29 Upon request by the office, each approved public and private  
30 treatment facility must provide data, statistics, schedules and  
31 information that the office reasonably requires. The director  
32 may remove a facility that fails to provide such information from  
33 the list of approved facilities.

34  
35 An approved public or private treatment facility may not  
36 refuse inspection or examination by the office under this  
37 section.'

38  
39 Further amend the bill in Part A in section A-3 in that part  
40 designated "**§20043.**" by striking out all of subsection 1 (page  
41 10, lines 18 and 19 in L.D.) and inserting in its place the  
42 following:

43  
44 '1. Voluntary basis. Patients must be treated on a  
45 voluntary basis.'

46  
47 Further amend the bill in Part A in section A-3 in that part  
48 designated "**§20046.**" in subsection 5 by striking out all of the  
49 last sentence (page 13, lines 49 to 52 and page 14, lines 1 to 3  
50 in L.D.).

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2 Further amend the bill in Part A in section A-3 by striking  
out all of that part designated "\$20047."

4 Further amend the bill in Part A in section A-3 by  
renumbering sections 20048 to 20052 to read 20047 to 20051.

6  
8 Further amend the bill in Part B in section B-4 in that part  
designated "\$7243." by striking out all of subsection 2 (page 25,  
10 lines 2 to 16 in L.D.) and renumbering the subsections to read  
consecutively.

12 Further amend the bill in Part B in section B-4 by striking  
out all of that part designated "\$7245."

14  
16 Further amend the bill in Part C by inserting after section  
C-4 the following:

18 'Sec. C-5. 28-A MRSA §1703, sub-§5 is enacted to read:

20 5. Appropriation. The amount of funds appropriated from  
22 the General Fund to the Office of Substance Abuse, as established  
in Title 5, chapter 521, may not be less than the dollar amount  
24 collected or received by the commission under this section.'

26 Further amend the bill in Part C in section C-6 in the first  
paragraph in the 2nd line (page 28, line 20 in L.D.) by striking  
out the following: "Abuse and" and inserting in its place the  
28 following: 'Abuse,'

30 Further amend the bill in Part C in section C-6 in the first  
paragraph in the last line (page 28, line 22 in L.D.) by  
32 inserting after the following: "office" the following: 'and the  
transfer of revenues from the Alcoholism Prevention, Education,  
34 Treatment and Research Fund'

36 Further amend the bill in Part C in section C-6 by inserting  
after the first paragraph and before subsection 1 the following:

38  
40 '1. Unencumbered balances remaining in the Alcoholism  
Prevention, Education, Treatment and Research Fund on July 1,  
1990, must be transferred to the General Fund.'

42  
44 Further amend the bill in Part C in section C-6 in  
subsection 3 in the 5th line (page 28, line 46 in L.D.) by  
inserting after the following: "Corrections" the following: ',  
46 the Department of Educational and Cultural Services'

48 Further amend the bill in Part C in section C-6 in  
subsection 7 in paragraph B in the 5th and 6th lines (page 29,  
50 lines 33 and 34 in L.D.) by striking out the following: "until  
October 1, 1991,"

52

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Further amend the bill in Part C in section C-6 by renumbering the subsections to read consecutively.

Further amend the bill in Part C by adding at the end the following:

Sec. C-7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

CORRECTIONS, DEPARTMENT OF

Correctional Services

Positions	(4.5)
Personal Services	\$133,610
All Other	402,501

Provides funds previously allocated from the Alcoholism Prevention, Education, Treatment and Research Fund.

DEPARTMENT OF CORRECTIONS

TOTAL \$536,111

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Alcohol and Drug Education Services

Positions	(16.0)
Personal Services	\$593,954
All Other	540,089
Capital Expenditures	20,000

Provides funds previously allocated from the Alcoholism Prevention, Education, Treatment and Research Fund.

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

TOTAL \$1,154,043

EXECUTIVE DEPARTMENT

Office of Substance Abuse

Positions	(4.0)
Personal Services	\$114,916
All Other	3,102,108

TOTAL \$3,217,024

## COMMITTEE AMENDMENT " A " to S.P. 909, L.D. 2312

2 Provides funds previously allocated from the  
 4 Alcoholism Prevention, Education, Treatment  
 and Research Fund to the Department of Human  
 6 Services.

8 **Office of Substance Abuse**

10	Positions	(1.0)
	Personal Services	\$43,781
	All Other	89,934
12	Capital Expenditures	7,361
14	<b>TOTAL</b>	<u>\$141,076</u>

16 Provides for the transfer of funds  
 18 previously appropriated to the Alcohol and  
 Drug Abuse Planning Committee within the  
 Department of Human Services.

20 **Office of Substance Abuse**

22	Positions	(10.0)
24	Personal Services	\$339,107
	All Other	2,179,100
26	Capital Expenditures	1,089
28	<b>TOTAL</b>	<u>\$2,519,296</u>

30 Provides for the transfer of funds  
 32 previously appropriated to the Office of  
 Alcoholism and Drug Abuse Prevention within  
 the Department of Human Services.

34 **Office of Substance Abuse**

36	Positions	(1.0)
38	Personal Services	\$30,440

40 Provides for the transfer of funds  
 42 previously appropriated to the Division of  
 Driver Education Evaluation Programs within  
 the Department of Human Services.

44 **EXECUTIVE DEPARTMENT**

46	<b>TOTAL</b>	<u>\$5,907,836</u>
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48 **HUMAN SERVICES, DEPARTMENT OF**

50 **Alcohol and Drug Planning**

52	Positions	(-1.0)
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## COMMITTEE AMENDMENT "A" to S.P. 909, L.D. 2312

2	Personal Services	(\$43,781)
	All Other	(89,934)
4	Capital Expenditures	(7,361)
6	TOTAL	<u>(\$141,076)</u>
8	Deappropriates funds transferred to the Office of Substance Abuse within the Executive Department.	
10	<b>Alcoholism and Drug Abuse</b>	
12	<b>Prevention - Human Services</b>	
14	Positions	(-10.0)
	Personal Services	(\$339,107)
16	All Other	(2,179,100)
	Capital Expenditures	(1,089)
18	TOTAL	<u>(\$2,519,296)</u>
20	Deappropriates funds transferred to the Office of Substance Abuse within the Executive Department.	
22		
24		
26	<b>Division of Driver Education</b>	
	<b>Evaluation Programs</b>	
28	Positions	(-1.0)
30	Personal Services	(\$30,440)
32	Deappropriates funds transferred to the Office of Substance Abuse within the Executive Department.	
34		
36	<b>DEPARTMENT OF HUMAN SERVICES</b>	
	<b>TOTAL</b>	
38	<u>(\$2,690,812)</u>	
40	<b>MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF</b>	
42	<b>Mental Health Services - Community</b>	
44	Positions	(1.0)
	Personal Services	\$49,767
46	All Other	775,949
48	Provides funds previously allocated from the Alcoholism Prevention, Education, Treatment and Research Fund.	
50		



COMMITTEE AMENDMENT "A " to S.P. 909, L.D. 2312

2	<b>DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL</b>	<u>\$825,716</u>
4	<b>TOTAL APPROPRIATIONS</b>	<u>\$5,732,894</u>
6	<b>Sec. C-8. Allocation.</b> The following funds are allocated from	
8	the Alcoholism Prevention, Education, Treatment and Research Fund	
10	to carry out the purposes of this Act.	
		<b>1990-91</b>
12	<b>CORRECTIONS, DEPARTMENT OF</b>	
14	<b>Correctional Services</b>	
16	Positions	(-4.5)
	Personal Services	(\$133,610)
18	All Other	(411,827)
20	Deallocates funds to account for the	
22	undedication of the Alcoholism Prevention, Education, Treatment and Research Fund.	
24	<b>DEPARTMENT OF CORRECTIONS TOTAL</b>	<u>(\$545,437)</u>
26	<b>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</b>	
28	<b>Alcohol and Drug Education Services</b>	
30		
32	Positions	(-16.0)
	Personal Services	(\$593,954)
34	All Other	(560,164)
	Capital Expenditures	(20,000)
36	Deallocates funds to account for the	
38	undedication of the Alcoholism Prevention, Education, Treatment and Research Fund.	
40	<b>DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TOTAL</b>	<u>(\$1,174,118)</u>
42	<b>HUMAN SERVICES, DEPARTMENT OF</b>	
44	<b>Alcohol and Drug Planning</b>	
46		
48	Positions	(-4.0)
50	Personal Services	(\$114,916)
	All Other	(128,827)
52	<b>TOTAL</b>	<u>(\$243,743)</u>

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COMMITTEE AMENDMENT "A" to S.P. 909, L.D. 2312

2 Deallocates funds to account for the  
3 undedication of the Alcoholism Prevention,  
4 Education, Treatment and Research Fund.

6 **Alcoholism and Drug Abuse  
Prevention - Human Services**

8 All Other (\$3,029,244)

10 Deallocates funds to account for the  
12 undedication of the Alcoholism Prevention,  
14 Education, Treatment and Research Fund.

16 **DEPARTMENT OF HUMAN SERVICES  
TOTAL** (\$3,272,987)

18 **MENTAL HEALTH AND MENTAL  
RETARDATION, DEPARTMENT OF**

20 **Mental Health Services - Community**

22 Positions (-1.0)  
24 Personal Services (\$49,767)  
26 All Other (790,313)

28 Deallocates funds to account for the  
30 undedication of the Alcoholism Prevention,  
32 Education, Treatment and Research Fund.

32 **DEPARTMENT OF MENTAL HEALTH  
AND MENTAL RETARDATION  
TOTAL** (\$840,080)

34 **TOTAL ALLOCATIONS** (\$5,832,622)

36 **Sec. C-9. Allocation.** The following funds are allocated from  
38 Federal Block Grant funds to carry out the purposes of this Act.

40 **1990-91**

42 **EXECUTIVE DEPARTMENT**

44 **Office of Substance Abuse**

46 Positions (2.0)  
48 Personal Services \$67,405  
All Other 24,391

50 **TOTAL** \$91,796

Provides funds previously allocated to the

## COMMITTEE AMENDMENT " A " to S.P. 909, L.D. 2312

2	Alcohol and Drug Abuse Planning Committee within the Department of Human Services.	
4	<b>Office of Substance Abuse</b>	
6	Positions	(2.0)
	Personal Services	\$72,899
8	All Other	3,200,548
10	<b>TOTAL</b>	<u>\$3,273,447</u>
12	Provides funds previously allocated to the Office of Drug Abuse and Alcoholism Prevention within the Department of Human Services.	
16		
18	<b>EXECUTIVE DEPARTMENT</b>	
	<b>TOTAL</b>	<u>\$3,365,243</u>
20	<b>HUMAN SERVICES, DEPARTMENT OF</b>	
22	<b>Alcohol and Drug Planning</b>	
24	Positions	(-2.0)
	Personal Services	(\$67,405)
26	All Other	(24,391)
28	<b>TOTAL</b>	<u>(\$91,796)</u>
30	Deallocates funds to provide for the transfer to the Office of Substance Abuse within the Executive Department.	
32		
34	<b>Alcoholism and Drug Abuse Prevention - Human Services</b>	
36	Positions	(-2.0)
38	Personal Services	(\$72,899)
	All Other	(3,200,548)
40	<b>TOTAL</b>	<u>(\$3,273,447)</u>
42	Provides funds previously allocated to the Office of Drug Abuse and Alcoholism Prevention within the Department of Human Services.	
44		
46		
48		
50	<b>DEPARTMENT OF HUMAN SERVICES</b>	
	<b>TOTAL</b>	<u>(\$3,365,243)</u>
52	<b>TOTAL ALLOCATIONS</b>	<u>-\$0-</u>

COMMITTEE AMENDMENT "A" to S.P. 909, L.D. 2312

2 Further amend the bill in Part C by renumbering the sections  
to read consecutively.

4  
6 Further amend the bill by inserting at the end before the  
statement of fact the following:

8 'Emergency clause. In view of the emergency cited in the  
preamble, this Act takes effect July 1, 1990.

10

12

FISCAL NOTE

14

1990-91

Appropriations/Allocations

16

General Fund \$5,732,894

18

20 Alcoholism Prevention, Education,  
Treatment and Research Fund (\$5,832,622)

22

Federal Block Grant Funds -0-

24

Revenues

26

General Fund \$5,732,894

28

Alcoholism Prevention, Education,  
Treatment and Research Funds (\$5,732,894)

30

32 This bill establishes the Office of Substance Abuse within  
the Executive Department, which is funded by transfers of  
resources from the Department of Human Services. No additional  
34 General Fund appropriations will be required to implement this  
bill. The transfer of allocations from the Alcoholism  
36 Prevention, Education, Treatment and Research Fund to General  
Fund appropriations have been adjusted to account for the excess  
38 of allocations over available budgeted resources.

40

42 The undedication of the Alcoholism Prevention, Education,  
Treatment and Research Fund will result in additional General  
Fund revenue of \$5,732,894 in fiscal year 1990-91. The  
offsetting loss of dedicated revenue results from the collection  
44 of \$5,187,000 of budgeted revenues from the alcohol premium and  
the transfer of \$545,894 of unencumbered balances forward in the  
46 Alcoholism Prevention, Education, Treatment and Research Fund.

48

50 The amounts transferred, allocated and appropriated in this  
bill may be subject to adjustment based on the effect of other  
bills enacted during the 2nd Regular Session of the 114th  
Legislature. In particular, some of the General Fund  
52 appropriations included in this bill have been proposed for

reductions in the Governor's supplemental budget.'

2

4

### STATEMENT OF FACT

6

8 This amendment changes the original bill to allow the  
Director of the Office of Substance Abuse to delegate contracting  
and licensing duties to the Department of Human Services, the  
10 Department of Corrections or the Department of Mental Health and  
Mental Retardation, provided that the director ensures that such  
12 delegation results in the consolidation of duties within the  
appropriate department.

14

16 The amendment also clarifies that the Department of  
Educational and Cultural Services must coordinate all its  
substance abuse education programs with the Office of Substance  
18 Abuse. Federally funded substance abuse education programs  
administered by the Department of Educational and Cultural  
20 Services must be coordinated with the Office of Substance Abuse  
to the fullest extent possible within the constraints of federal  
22 substance abuse education funding. The Commissioner of  
Educational and Cultural Services is required to prepare a plan  
24 that provides for the maximum amount of consolidation between the  
Department of Educational and Cultural Services and the Office of  
26 Substance Abuse.

28

The amendment also repeals provisions of the law regarding  
involuntary commitment.

30

32 The amendment retains the provision of the original bill  
that undedicates the alcohol premium funds. However, the  
amendment requires that the Office of Substance Abuse receive  
34 appropriation amounts at least equal to the amount collected each  
year by the State Liquor Commission through the premium fund.

36

38 The amendment also makes the bill an emergency and sets its  
effective date at July 1, 1990. A fiscal note has also been  
added to the bill.

Reported by Senator Berube for the Committee on State and Local  
Government. Reproduced and Distributed Pursuant to Senate  
Rule 12.

(4/2/90)

(Filing Number S-639)