

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2366

S.P. 935

In Senate, February 27, 1990

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CARPENTER of York.

Cosponsored by Representative BÉGLE Y of Waldoboro, Senator BRAUN of Knox and Representative CURRAN of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Establish an Office of Substance Abuse Policy within the Executive Department.



Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 2 MRSA §6, sub-§5, as repealed and replaced by PL
4 1989, c. 502, Pt. A, §3, is amended to read:

6 5. Range 86. The salaries of the following state officials
8 and employees shall-be are within salary range 86:

10 Director of Labor Standards;

12 Deputy Chief of the State Police;

14 Director of State Lotteries;

16 State Archivist;

18 Director of Maine Geological Survey;

20 Executive Director, Maine Land Use Regulation Commission;

22 Director of the Risk Management Division;

24 Chairman Chair, Maine Unemployment Insurance Commission;

26 Director of the Bureau of State Employee Health;

28 Child Welfare Services Ombudsman;

30 Director of the Bureau of Intergovernmental Drug Enforcement;

32 Deputy Director, Retirement System; and

34 Executive Director, Maine Science and Technology
Commission; and

36 Director, Office of Substance Abuse Policy.

38 Sec. 2. 5 MRSA §12004-L, sub-§1, as enacted by PL 1987, c.
40 786, §5, is repealed.

42 Sec. 3. 5 MRSA Pt. 24 is enacted to read:

44 PART 24

46 SUBSTANCE ABUSE
48 PREVENTION AND TREATMENT

50 CHAPTER 551

OFFICE OF SUBSTANCE ABUSE POLICY

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SUBCHAPTER I

GENERAL PROVISIONS

§21001. Short title

This chapter may be known and cited as the Maine Substance Abuse Prevention and Treatment Act.

§21002. Purposes

The purposes of this chapter are:

1. Integrated and comprehensive approach. To adopt an integrated approach to the problem of substance abuse and to focus all the varied resources of the State on developing a comprehensive and effective range of substance abuse research, prevention, education, intervention and treatment activities and services;

2. Services and enforcement. To effect coordination of substance abuse services with enforcement activities; and

3. Single policy and planning unit. To establish a single administrative unit within State Government, accountable directly to the Governor, with responsibility for developing policy, planning, evaluating and coordinating the State's substance abuse research, prevention, education, intervention and treatment activities and services.

§21003. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Alcoholic. "Alcoholic" means a person who habitually lacks control as to the use of alcoholic beverages or who engages in persistent patterns of heavy alcohol intake to the extent that the person's health is substantially impaired or endangered or the person's social or economic function is substantially disrupted.

2. Commissioner advisory group. "Commissioner advisory group" means the 6 commissioners designated in section 21007.

3. Council. "Council" means the Maine Council on Alcohol and Drug Abuse Prevention and Treatment.

4. Dependency related drug. "Dependency related drug" means alcohol or any substance controlled under Title 22, chapter 558 and Title 32, chapter 117.

2 **5. Director.** "Director" means the Director of the Office of
Substance Abuse Policy.

4 **6. Drug abuser.** "Drug abuser" means a person who uses any
6 drugs, dependency related drugs or hallucinogens in violation of
any state law.

8 **7. Office.** "Office" means the Office of Substance Abuse
10 Policy established under section 21004.

12 **§21004. Office established**

14 The Office of Substance Abuse Policy is established within
16 the Executive Department, is directly responsible to the Governor
18 and is the sole agency of the State responsible for fulfilling
20 and carrying out the purposes of this chapter.

22 **§21005. Powers and duties**

24 The office shall:

26 **1. State Government.** Advise the Governor and carry out
28 overall planning, policy development, objective setting and
30 prioritization functions necessary to implement policy approved
32 by the Governor for all state substance abuse research,
34 prevention, education, intervention and treatment efforts;

36 **2. Comprehensive plan.** Develop, with the advice of the
38 council and as a result of collaboration with the executive
40 departments, the comprehensive state plan for alcohol and drug
42 abuse research, prevention, education, intervention and treatment;

44 **3. Information.** Ensure the collection, analysis and
46 dissemination of information for the planning and evaluation of
48 alcohol and drug abuse prevention, education, intervention and
50 treatment services. The office is responsible for the scope and
52 direction of the automated information systems development and
may delegate ongoing management of automated information systems
operation to another office. The office shall maintain all
records dealing with individuals in treatment in accordance with
state and federal laws dealing with confidentiality;

54 **4. Coordination; organizational unit.** Ensure close
56 coordination of alcohol and drug abuse research, prevention,
58 education, intervention and treatment services delivered by all
60 executive departments in order to provide an efficient and
62 coordinated program that responds in a timely and effective
manner to the need of the citizens of the State. The office
shall coordinate all programs and activities authorized by the
federal Comprehensive Alcohol Abuse and Alcoholism Prevention,
Treatment and Rehabilitation Act of 1970, as amended, and by the
federal Drug Abuse Office and Treatment Act of 1972, as amended,

2 and other programs relating to alcohol and drug abuse prevention,
3 education, intervention, treatment and rehabilitation that are
4 not the specific responsibility of another state agency under
5 federal or state law;

6 5. Budget. Advise the Governor by developing
7 recommendations, in collaboration with the executive departments,
8 for continuing and supplemental allocations and appropriations
9 from all funding sources for all state alcohol and drug abuse
10 research, prevention, education, intervention and treatment
11 programs consistent with the comprehensive plan and approved
12 policy. Annually, a report of continuing and supplemental
13 budgets and appropriations must be compiled to show substance
14 abuse related items across all executive departments and their
15 impact on implementation of the comprehensive plan. This report
16 must be submitted to the Legislature and must be available to the
17 public upon request. The office shall ensure that budgets
18 submitted by executive departments are consistent with plans,
19 policies and budgetary direction approved by the Governor;

20 6. Uniform requirements. Provide for the development of
21 uniform contracting, information gathering and reporting formats
22 for use by executive departments in purchasing services from any
23 substance abuse prevention, education, intervention or treatment
24 program with state or federal funds. To the extent feasible,
25 information must be compatible with federal information sharing
26 standards;

27 7. Reports. By January 15th of each year, report on the
28 accomplishments of the past year's programs, the progress toward
29 achieving goals and objectives of the comprehensive state plan
30 and other necessary or desirable information;

31 8. Funds. Have the authority to seek and receive funds
32 from the Federal Government and private sources to further the
33 purposes of this chapter;

34 9. Agreements. Enter into agreements necessary or
35 incidental to this chapter;

36 10. Cooperation. Provide support and guidance to
37 individuals, local governments and public and private
38 organizations with alcohol and drug abuse research, prevention,
39 education, intervention and treatment activities; and

40 11. Rules. Prior to adoption, review all rules proposed by
41 state agencies for the purpose of implementing or operating
42 alcohol or drug abuse prevention, education, intervention or
43 treatment programs and make recommendations to ensure consistency
44 of the rule with policy.

2 **§21006. Director**

4 The Governor shall appoint a full-time Director of the
6 Office of Substance Abuse Policy. The director shall serve at
8 the pleasure of the Governor.

10 The director must be qualified by training and experience in
12 the field of substance abuse research, prevention, education,
14 intervention or treatment or the equivalent. The director shall
16 exercise the powers of the office and is responsible for the
18 execution of the duties of the office. The director may:

20 1. **Employ and remove staff.** Appoint and remove staff and
22 assign their duties;

24 2. **Alternatives.** With the advice of the council, propose
26 alternatives to current substance abuse prevention and treatment
28 programs and services;

30 3. **Research.** Conduct studies of any alcohol or drug abuse
32 prevention, education, intervention, treatment program or
34 community service provider as necessary; and

36 4. **Gifts.** Accept money or gifts from any source to
38 implement this chapter. Any money or gifts the office receives
40 must be accounted for in accordance with the requirements of the
42 Department of Finance.

44 **§21007. Commissioner advisory group; executive department**
46 **cooperation**

48 The commissioner advisory group consists of the director and
50 the Commissioner of Corrections, the Commissioner of Labor, the
Commissioner of Educational and Cultural Services, the
Commissioner of Human Services, the Commissioner of Mental Health
and Mental Retardation and the Commissioner of Public Safety.
The members of the commissioner advisory group shall
systematically and routinely consult with each other in order to
facilitate the development and implementation of substance abuse
research, prevention, education, intervention and treatment
programs.

Executive departments shall cooperate with the office in
carrying out this chapter. Executive departments shall conduct
and administer alcohol and drug abuse research, prevention,
education, intervention and treatment programs consistent with
the policies, plans and budgets approved by the office on behalf
of the Governor. The office may request assistance, information
and data from other executive departments as the director finds
necessary to fulfill the purposes of this chapter.

2 Where not otherwise constrained, state law enforcement
3 agencies shall adopt or pursue an enforcement strategy consistent
4 with the policies promulgated by the office.

6 **§21008. Comprehensive services plan for alcoholism and drug abuse**

8 1. Development of plan. The office shall develop a plan
9 and ensure a comprehensive and coordinated program of alcohol and
10 drug abuse prevention, education, intervention and treatment in
11 accordance with this chapter. For planning purposes, the office
12 may divide the State into substance abuse service regions.

14 2. Content of plan. The plan must describe the system of
15 substance abuse services in each of the substance abuse service
16 regions and statewide. The plan must include:

18 A. Identification of existing and needed service resources:

20 B. An assessment of the roles, responsibilities, substance
21 abuse provider agencies, mental health agencies, human
22 service agencies, educational facilities, health agencies,
23 county jails and involved executive departments and suggest
24 ways these agencies and departments can better cooperate to
25 improve the service system; and

26 C. A section demonstrating the integration and coordination
27 of law enforcement programs with substance abuse programs
28 except when public access would compromise the effectiveness
29 of investigations and the operational necessities of law
30 enforcement.

32 **§21009. Planning process**

34 1. Planning process. The office, with the advice of the
35 council and in collaboration with the executive departments,
36 shall plan alcohol and drug abuse prevention, education,
37 intervention and treatment activities in the State. The office
38 shall develop a planning process to ensure that the development
39 of the plan includes a broad base of participation, including the
40 participation of community substance abuse service providers,
41 advocacy groups, educators, law enforcement officers, executive
42 department advisory groups, consumer and family groups,
43 recovering persons and others in statewide hearings as well as in
44 informal meetings and work sessions.

46 2. Reporting. The office shall prepare and submit to the
47 Legislature the following documents:

48 A. Biennially, beginning on January 15, 1991, a
49 comprehensive plan containing goal statements with
50 measurable objectives to be accomplished during the coming

2 biennium and established performance indicators by which
3 progress toward accomplishing those objectives will be
4 measured; and

5 B. Every 4th year, beginning on January 15, 1991, an
6 assessment of the costs related to drug abuse in the State
7 and the needs for various types of services within the
8 State, including geographical disparities in needs and the
9 needs of special populations of drug abusers.

10 **SUBCHAPTER II**

11 **PREVENTION**

12 **§21015. Public awareness**

13 The office shall coordinate a program to increase public
14 awareness of the impact and prevalence of alcohol and drug abuse.
15 The public awareness program must include promotional and
16 technical assistance to local governments and public and private
17 nonprofit organizations interested in substance abuse prevention.

18 On behalf of the Governor and the people of the State, the
19 office may develop a partnership with private for-profit
20 employers in order to solicit their contributions, services and
21 assistance to support and enhance programs of public awareness
22 and substance abuse prevention.

23 **§21016. Information dissemination**

24 The office shall support and coordinate the activities of an
25 information clearinghouse within the Department of Human Services
26 and a resource center within the Department of Educational and
27 Cultural Services. Together the information clearinghouse and
28 resource center constitute a comprehensive reference center
29 related to the nature and abuse of alcohol and drugs and
30 prevention, education, intervention and treatment programs for
31 substance abuse. The office shall ensure that the information
32 clearinghouse and resource center do not perform duplicative
33 services or functions. Information from the clearinghouse and
34 resource center is available for use by the general public, the
35 political subdivisions, public and private nonprofit agencies and
36 the State.

37 **SUBCHAPTER III**

38 **EVALUATION**

39 **§21021. Evaluation**

40 The office shall collect data and use secondary source
41 information to evaluate or provide for the evaluation of the
42

2 impact, quality, outcome and cost effectiveness of alcohol and
4 drug abuse prevention activities, education programs,
6 intervention activities, treatment programs and other substance
8 abuse programs.

10 Evaluations and evaluation systems must be designed to
12 ensure accountability on the part of substance abuse prevention,
14 education, intervention and treatment provider agencies receiving
16 state or federal funds. Results of evaluations must be
18 incorporated into revisions of the comprehensive plan and into
20 reviews of policy.

22 The office shall conduct evaluations required by any
24 applicable federal law.

26 **Sec. 4. 22 MRSA c. 1601, sub-c. V, as amended, is repealed.**

28 **Sec. 5. Transition.** The following provisions apply to the
30 creation of the Office of Substance Abuse Policy and the transfer
32 of the existing state substance abuse prevention and treatment
34 programs to that office.

36 1. Notwithstanding the Maine Revised Statutes, Title 5, all
38 accrued expenditures, assets, liabilities, balance of
40 appropriations, transfers, revenues or other available funds in
42 an account or subdivision of an account of the Alcohol and Drug
44 Abuse Planning Committee, must be transferred to the proper place
46 under this Act by the State Controller on the request of the
48 State Budget Officer and with the approval of the Governor.

50 2. Employees of the Alcohol and Drug Abuse Planning
52 Committee and the Office of Alcoholism and Drug Abuse Prevention,
who are transferred to the Office of Substance Abuse Policy, are
subject to the following provisions.

A. The employees shall retain their accrued fringe
benefits, including vacation and sick leave, health and life
insurance and retirement benefits.

B. The employees who are members of collective bargaining
units on the effective date of this Act shall remain as
members in their respective bargaining units and retain all
rights, privileges and benefits provided by the collective
bargaining agreements in the respective collective
bargaining units relating to employment in state service
until October 1, 1991, while employed with the Office of
Substance Abuse Policy.

C. The employees who are members of collective bargaining
units may remain members of the Maine State Retirement
System.

2 D. The Bureau of Human Resources shall assist the Office of
Substance Abuse Policy with the orderly implementation of
4 these provisions.

6 3. The Office of Substance Abuse Policy and any other state
agency affected by this Act shall determine the best method of
8 resolving any legal, fiscal, personnel or operational conflict
resulting from this Act and shall submit any necessary
10 recommendations for statutory changes to the First Regular
Session of the 115th Legislature for approval.

12 STATEMENT OF FACT

14 This bill establishes the Office of Substance Abuse Policy,
16 a new office in the Executive Department created to replace and
18 extend the responsibilities currently accorded to the Alcohol and
Drug Abuse Planning Committee. The bill has the following
20 provisions.

22 1. The department commissioners, expanded to include the
Commissioner of Labor, will act as an advisory group to the
24 Director of the Office of Substance Abuse Policy.

26 2. The Director of the Office of Substance Abuse Policy
will be appointed by the Governor. Office responsibilities
28 include:

30 A. Advising the Governor concerning substance abuse policy;

32 B. Guiding an integrated planning process;

34 C. Reviewing departmental initiatives to ensure consistency;

36 D. Recommending a unified budget proposal for all state
substance abuse programs;

38 E. Ensuring coordination of programs developed by
40 departments;

42 F. Designing evaluation systems to ensure accountability of
substance abuse prevention, education, intervention and
44 treatment activities and programs;

46 G. Conducting a program of research to further the
evolution of substance abuse services;

48 H. Maintaining a program of public awareness; and

50 I. Ensuring dissemination of information.

2 3. The bill repeals Title 22, chapter 1601, subchapter V,
which established the Alcohol and Drug Abuse Planning Committee.

4
6 4. The bill also provides a transition section that
prevention and treatment programs to the Office of Substance
8 Abuse Policy.