

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" to H.P. 192, L.D. 274, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law"

Amend the bill in Part A in section A-1 in that part designated "HUMAN SERVICES, DEPARTMENT OF" in the 2nd part relating to "Medical Care - Payments to Providers" in the last 4 lines (page 35, lines 9 to 12 in L.D.) by striking out the following: "reduced payments in cases when Medicaid supplements Part B Medicare; and freezing the amount of equipment purchased by physicians" and inserting in its place the following: 'and reduced payments in cases when Medicaid supplements Part B Medicare'

Further amend the bill by striking out all of Part M.

Further amend the bill in Part T in section T-79 in subsection 4 in the last 2 lines (page 221, lines 27 and 28 in L.D.) by striking out the following: "Division; Personnel Assistant; and Director of Energy Policy and Planning" and inserting in its place the following: 'Division; and Personnel Assistant'

Further amend the bill in Part T in section T-82 by striking out the last 18 lines (page 225, lines 11 to 33 in L.D.) and inserting in their place the following:

EXECUTIVE DEPARTMENT

State Planning Office

Positions - Legislative Count	(-6.0)
Personal Services	(\$23,001)
All Other	(15,000)

Provides for the deappropriation of funds through the elimination of the Director of State Planning position; one Deputy Director

2 position; one Policy Development Specialist,
Management Division position; one Clerk
4 Typist III position; one Personnel Assistant
position; and one Administrative Secretary
6 position by layoffs from the abolishment of
the State Planning Office.

8 **EXECUTIVE DEPARTMENT**
9 **TOTAL**

(\$38,001)

10 **TOTAL APPROPRIATIONS - PART T**

(\$88,482)'

12
14 Further amend the bill in Part V in section V-1 under the
caption "WORKERS' COMPENSATION COMMISSION" by striking
16 out all of the first line (page 238, line 30 in L.D.) and
inserting in its place the following:

18 'Positions - Legislative Count (14.0)'

20 Further amend the bill in Part V in section V-1 under the
caption "WORKERS' COMPENSATION COMMISSION" in the 7th
22 and 8th lines (page 238, lines 37 and 38 in L.D.) by striking out
the following: "one vacant Legal Secretary position,"

24
26 Further amend the bill in Part V in section V-1 by striking
out all of the last 5 lines (page 238, lines 45 to 51 in L.D.)
28 and inserting in their place the following:

30 **SECTION V-1**
TOTAL POSITIONS: GENERAL FUND

32 Legislative Count (-168.5)

34 Other Count (-13.5)

36 **TOTAL** (-182.0)'

38 Further amend the bill in Part V in section V-13 under the
caption "PART V POSITION TOTALS" by striking out all of the
40 3rd line (page 254, line 51 in L.D.) and inserting in its place
the following:

42 'General Fund (-182.0)'

44 Further amend the bill in Part V in section V-13 under the
caption "PART V POSITION TOTALS" by striking out all of the
46 last line (page 255, line 6 in L.D.) and inserting in its place
the following:

48 'TOTAL POSITIONS (-461.0)'

50
52 Further amend the bill by striking out all of Part Y and
inserting in its place the following:

PART Y

Sec. Y-1. 5 MRSA c. 521, sub-c. I-A is enacted to read:

SUBCHAPTER I-A

ALCOHOL AND DRUG ABUSE PREVENTION

§20015. Alcohol and drug abuse prevention program

The office shall administer and oversee the operation of the department's alcohol and drug abuse activities. The office shall operate in accordance with the provisions of this chapter and the alcohol and drug abuse prevention and treatment plan developed pursuant to section 20009.

§20016. Definitions

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

1. Approved treatment facility. "Approved treatment facility" has the same meaning as set out in section 20003.

2. Director. "Director" means the program director of the alcohol and drug abuse prevention program.

3. Office. "Office" means the Office of Substance Abuse established under section 20004.

4. Standards. "Standards" has the same meaning as set out in section 20003.

5. Treatment. "Treatment" has the same meaning as set out in section 20003.

6. Treatment program. "Treatment program" has the same meaning as set out in section 20003.

§20017. Powers and duties

The office shall provide assistance and guidance to individuals, public and private organizations and especially local governments in drug abuse prevention activities. In addition, the office shall:

1. Information clearinghouse. Operate the information clearinghouse established pursuant to section 20022;

2. Training programs. Provide or assist in the provision

of training programs for all persons in the field of treating alcoholics, intoxicated persons and drug abusers;

3. Rules. Adopt any rules necessary to carry out the requirements of this subchapter. Any rules must be adopted in accordance with the Maine Administrative Procedure Act and must be approved by the Office of Substance Abuse in accordance with section 20005; and

4. Purposes and authority. Do other acts and exercise other powers necessary or convenient to execute and carry out the purposes and authority expressly granted in this subchapter.

§20018. Program director

The program is administered by a program director employed, subject to the Civil Service Law, under the classified service. The program director must be qualified by training and experience related to drug abuse or alcoholism and intoxication, or have satisfactory experience of a comparable nature in the direction, organization and administration of prevention or treatment programs for persons affected by drug abuse or drug dependency.

The program director possesses full authority and responsibility for administering all the powers and duties of the office provided in section 20017, except as otherwise provided by law.

Sec. Y-2. 22 MRSA c. 1602, sub-c. II-A is repealed.

Sec. Y-3. Transition provisions. The following provisions apply to the transfer of the functions of the Department of Human Services, Office of Alcohol and Drug Abuse Prevention to the Executive Department, Office of Substance Abuse.

1. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, accrued expenditures, assets, liabilities, balances of appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Department of Human Services, Office of Alcohol and Drug Abuse Prevention, must be transferred to the proper accounts by the State Controller upon the request of the State Budget Officer and with the approval of the Governor.

2. All agreements, leases, contracts or licenses, issued under Title 22, Subtitle 4, Part 3 prior to the effective date of this Act continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. All rules adopted under Title 22, sections 7242 to 7244, or adopted with regard to these sections prior to the effective

date of this Act must be administered by the Office of Substance Abuse and continue in effect until rescinded or amended by the office or overturned by a court of law. For purposes of this Part, the current Director of the Office of Alcohol and Drug Abuse Prevention to be transferred becomes the program director of the alcohol and drug abuse prevention program within the Office of Substance Abuse.

4. Employees of the Office of Alcohol and Drug Abuse Prevention are transferred to the Office of Substance Abuse and are subject to the provisions of this subsection.

A. The employees 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 remain as members in their respective bargaining units and retain all rights, privileges and benefits provided by their collective bargaining agreements with respect to the state service while employed with the Office of Substance Abuse.

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

D. The Department of Administration, Bureau of Human Resources shall assist the Office of Substance Abuse with the orderly implementation of these provisions.

5. The Office of Substance Abuse and any other state agency affected by the provisions of this Act shall determine the best method of resolving any legal, fiscal, personnel or operational conflict created as a result of this Act and shall submit necessary recommendations for statutory changes to the Second Regular Session of the 115th Legislature.

Sec. Y-4. Effective date. This Part takes effect July 1, 1991.'

Further amend the amendment in Part CC in section CC-1 in the 6th line (page 270, line 17 in L.D.) by striking out the following: "February 8, 1991" and inserting in its place the following: 'on the 5th business day after the effective date of this Act'

Further amend the bill in Part DD in section DD-3 in the last 3 lines (page 272, lines 31 to 33 in L.D.) by striking out the following: "any proposals the Department of Conservation will be offering to expand, consolidate, modify or close existing

fire tower facilities" and inserting in its place the following:
'a proposal to phase out the staffing of the fire tower system'

Further amend the bill in Part DD by inserting at the end the following:

'Sec. DD-5. Assistance. Department of Economic and Community Development.

The Department of Economic and Community Development shall work with and provide resources to any group conducting a preliminary assessment of the advisability of a comprehensive study that explores the feasibility of having a company or group, including the present work force, purchase a clothing manufacturing plant in the City of Biddeford and continuing it in operation. In its preliminary assessment the department shall examine the impact that a permanent closure of the clothing manufacturing plant or a substantial layoff of its work force would have on the City of Biddeford.

The department shall use available federal funds to conduct the preliminary assessment. If federal funds are not available, the Governor is authorized, notwithstanding, the Maine Revised Statutes, Title 5, section 1507, to allocate an amount not to exceed \$20,000 prior to June 30, 1991 from the State Contingent Account to carry out the purposes of this section.'

Further amend the bill by inserting before the emergency clause a new Part to read:

'PART GG

Reinstatement of employees. Any state employee who has been laid off for budgetary reasons after November 30, 1990 but before June 30, 1991 and whose previously held position is not abolished in this Act must be offered the option of reinstatement to that position. Notwithstanding Part V of this Act, any state employee who has been displaced as a result of the exercise of bumping rights pursuant to a collective bargaining agreement by an employee laid off for budgetary reasons after November 30, 1990 but before June 30, 1991 must be offered the option of reinstatement to that position.'

Further amend the bill by relettering the parts to read consecutively.

FISCAL NOTE

This amendment reduces the fiscal year 1990-91 General Fund deappropriation in Part T of the bill by \$3,632. A new section

is added to Part DD which may require \$20,000 to be transferred from the State Contingent Account.

This amendment reduces the fiscal year 1990-91 General Fund deappropriation in Part Y of the bill by \$4,752.

The remaining changes in this amendment would have no fiscal impact on the General Fund.

STATEMENT OF FACT

This amendment restores a position in the State Planning Office, restores a vacant position in the Workers' Compensation Commission, corrects language approved by a majority of the Appropriations Committee and adds a provision directing the Department of Economic and Community Development to assist any group in assessing options in lieu of a plant closure or laying off a substantial number of employees.

This amendment provides that any state employee who has been laid off or "bumped" out of that employee's previous position as a result of an administrative fiscal year 1990-91 budget action that has been reversed by the Legislature is entitled to return to that position.

This amendment amends the effective date after which new adult applicants can no longer be enrolled into the Maine Health Program.

This amendment clarifies the deappropriation to the Medical Care - Payments to Providers program.

This amendment transfers the functions of the former Department of Human Services, Office of Alcohol and Drug Abuse Prevention to the Executive Department, Office of Substance Abuse. It also transfers the current employees, including the director, to the Office of Substance Abuse.

Filed by Rep. Michaud of East Millinocket
Reproduced and distributed under the direction of the Clerk of the House
2/7/91 (Filing No. H-14)