

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2294

H.P. 1630

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GEAN of Alfred.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator BERUBE of Androscoggin and Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Provide Accountability for Certain Purchased Services Related
to Substance Abuse.**



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

2
3 5 MRSA §20005, sub-§6, as amended by PL 1991, c. 557, §§1
4 and 2, and c. 601, §6, is repealed and the following enacted in
5 its place:

6 6. Contracts and licensing. Through the director:

7
8 A. Administer all contracts with community service
9 providers for the delivery of alcohol and drug abuse
10 services;

11
12 B. Establish operating and treatment standards, and inspect
13 and issue certificates of approval for approved treatment
14 facilities, drug abuse treatment facilities or programs,
15 including residential treatment centers, pursuant to section
16 20024; and

17
18 C. Ensure community participation by funding regional
19 alcohol councils to:

20
21 (1) Assist in the development of comprehensive state
22 plans, the review of the effectiveness of existing
23 policies and services, and the identification of unmet
24 needs;

25
26 (2) Review and comment on proposed grants and
27 contracts;

28
29 (3) Increase public awareness and participation;

30
31 (4) Supply general reference information; and

32
33 (5) Advocate for individuals in need of assistance.

34
35 The director shall ensure that councils are funded in a
36 manner that recognizes local differences in cost and travel
37 distances and allows equal provision of services in each
38 geographic area to the extent that funds are available
39 within the office for this purpose.

40
41 The director may delegate contract and licensing duties under
42 this subsection to the Department of Human Services, the
43 Department of Corrections or the Department of Mental Health and
44 Mental Retardation as long as that delegation ensures that
45 contracting for alcohol and other drug abuse services provided in
46 community settings are consolidated within the Department of
47 Human Services, that contracting for alcohol and other drug abuse
48 services delivered within correctional facilities are
49 consolidated within the Department of Corrections and that
50

2 contracting for alcohol and other drug abuse services delivered
3 within mental health and mental retardation facilities are
4 consolidated within the Department of Mental Health and Mental
5 Retardation.

6 The director may not delegate contract and licensing duties if
7 that delegation results in increased administrative costs.

8
9 The director may not issue requests for proposals for existing
10 contract services until the director has adopted rules in
11 accordance with the Maine Administrative Procedure Act to ensure
12 that the reasons for which existing services are placed out for
13 bid and the performance standards and manner in which compliance
14 is evaluated are specified and that any change in provider is
15 accomplished in a manner that fully protects the consumer of
16 services.

17 Any new contract must be awarded through a request-for-proposal
18 procedure and 1/3 of the contracts of \$100,000 per year or more
19 that are renewed must be awarded through a request-for-proposal
20 procedure at least every 2 years.

21
22 The director shall establish a procedure to obtain assistance and
23 advice from consumers of alcohol and other drug abuse services
24 regarding the selection of contractors when requests for
25 proposals are issued;

28 STATEMENT OF FACT

30
31 This bill requires that any new contracts entered into and
32 certain contracts renewed by the Office of Substance Abuse must
33 be awarded through a request-for-proposal procedure. The bill
34 also requires the Director of the Office of Substance Abuse to
35 establish a procedure to obtain assistance and advice from
36 consumers of alcohol and other drug abuse services regarding the
37 selection of contracts. The bill also corrects a conflict
38 created by 2 public laws, Public Law 1991, chapters 557 and 601,
39 amending the Maine Revised Statutes, Title 5, section 20005,
40 subsection 6, paragraph B.