

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1486

(Filing No. H-563)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1099, L.D. 1486, Bill, "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 5 MRSA §12004-G, sub-§13-C is enacted to read:

<u>13-C.</u>	<u>Substance</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Executive/</u>	<u>Abuse</u>	<u>Only</u>	<u>§20065</u>
<u>Drug</u>	<u>Services</u>		
<u>Prevention</u>	<u>Commission</u>		
<u>and Treatment'</u>			

Further amend the bill in section 12 in that part designated "§20065" in subsection 1 in the 3rd line (page 3, line 28 in L.D.) by striking out the following: "15" and inserting in its place the following: '17'

Further amend the bill in section 12 in that part designated "§20065" by striking out all of subsection 3 and inserting in its place the following:

'3. Members; representation. The commission consists of the following members:

A. One member of the Senate, appointed by the President of the Senate and one member of the House of Representatives, appointed by the Speaker of the House of Representatives. One of the members appointed under this paragraph must be from the joint standing committee of the Legislature having jurisdiction over human resources matters and one must be from the joint standing committee of the Legislature having jurisdiction over education matters;

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2 B. One physician experienced in the treatment of substance abuse, appointed by the Governor;

4 C. One public school superintendent who has experience with school-based substance abuse prevention and education programs, appointed by the Governor;

8 D. One elementary school educator, appointed by the Governor;

10 E. One representative nominated by the National Council on Alcoholism and other Drug Dependence in Maine, Inc., appointed by the Governor;

14 F. One attorney who represents clients involved with the substance abuse system, appointed by the Governor;

18 G. One educator involved in postsecondary substance abuse education, appointed by the Governor;

20 H. One substance abuse prevention practitioner, one substance abuse education practitioner and one substance abuse treatment practitioner, appointed by the Governor;

24 I. One private sector employer familiar with substance abuse employee assistance programs; and

26 J. Five members of the public, appointed by the Governor. In appointing these 5 members, the Governor shall select members from outstanding people in the following areas:

30 (1) Drug abuse prevention;

32 (2) Drug abuse treatment;

34 (3) Education;

36 (4) Employers; and

38 (5) Persons affected by or recovering from alcoholism, chronic intoxication, drug abuse or drug dependency, evidenced by a minimum of 3 years of sobriety or abstention from drug abuse.'

40 Further amend the bill in section 12 in that part designated "§20067" in subsection 1 in the first line (page 6, line 22 in L.D.) by striking out the following: "and direct"

42 Further amend the bill by inserting after section 12 the following:

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2 **Sec. 13. 34-B MRSA §1214, sub-§3**, as amended by PL 1989, c.
4 700, Pt. A, §163 and c. 729 and 1991, c. 780, Pt. DDD, §21, is
 repealed and the following enacted in its place:

6 '**3. Membership.** The council is composed of 5 members: the
8 Commissioner of Corrections; the Commissioner of Education; the
 Commissioner of Human Services; the Commissioner of Mental Health
10 and Mental Retardation; and the Director of the Office of
 Substance Abuse.'

12 Further amend the bill in section 14 in the first paragraph
14 in the next to the last line (page 7, line 13 in L.D.) by
 inserting after the following: "manner" the following: 'and that
16 continues current educational efforts and provides an appropriate
 balance between prevention and treatment services'

18 Further amend the bill in section 15 in the last line (page
20 7, line 37 in L.D.) by striking out the following: "on a contract
 basis" and inserting in its place the following: 'through
22 interdepartmental agreements or other mechanisms'

24 Further amend the bill by striking out all of section 17 and
 inserting in its place the following:

26 '**Sec. 17. Transition.** Employees of the Division of Alcohol
28 and Drug Educational Services within the Department of Education
 whose positions are transferred to the Office of Substance Abuse
30 under this Act retain their positions within the Office of
 Substance Abuse, along with all of their employee rights,
32 privileges and benefits. The Bureau of Human Resources within
 the Department of Administrative and Financial Services shall
 assist with the orderly implementation of this section.

34 '**Sec. 18. Appropriation.** The following funds are appropriated
36 from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
38		
40	EXECUTIVE DEPARTMENT	
42	Office of Substance Abuse	
44	Positions (11.0)	(11.0)
	Personal Services \$403,400	\$524,675
46	All Other 1,340,411	1,832,415
	Capital Expenditures 2,580	2,580
48		
	<u>TOTAL</u>	<u>\$1,746,391</u> <u>\$2,359,670</u>

2 Provides for the
 4 appropriations of funds
 through a transfer from the
 6 Department of Corrections,
 the Department of Education
 8 and the Department of Mental
 Health and Mental Retardation
 including one Clerk IV
 10 position, 2 Clerk
 Stenographer III positions, 1
 12 Information System Support
 Technician position, 1
 14 Director, Division of Drug
 Education position, 1
 16 Educational Specialist I
 position, 4 Education
 18 Specialist II positions and
 one Librarian I position.

20 **Office of Substance Abuse**

22 All Other (498,891) (487,954)

24 Provides for the
 26 deappropriation of funds due
 to savings from the
 28 consolidation of funding
 within the Office of
 30 Substance Abuse.

32 **EXECUTIVE DEPARTMENT**
 34 **TOTAL** \$1,247,500 \$1,871,716

36 **CORRECTIONS, DEPARTMENT OF**

38 **Correctional Services**

40 All Other (\$30,188) (\$40,250)

42 Provides for the transfer of
 funds to the Executive
 44 Department, Office of
 Substance Abuse.

46 **DEPARTMENT OF CORRECTIONS**
 48 **TOTAL** (\$30,188) (\$40,250)

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

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**Substance Abuse Services -
Mental Health and Mental
Retardation**

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4

All Other (\$1,132,321) (\$1,511,038)

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Provides for the transfer of funds to the Executive Department, Office of Substance Abuse.

12

**Substance Abuse Services -
Mental Health and Mental
Retardation**

14

16

Positions (-1.0) (-1.0)

18

Personal Services (\$41,645) (\$54,249)

20

22

24

Provides for the deappropriation of funds including one Comprehensive Health Planner II position.

26

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

(\$1,173,966) (\$1,565,287)

28

30

EDUCATION, DEPARTMENT OF

32

**Alcohol and Drug Educational
Services - Office of Substance Abuse**

34

Positions (-11.0) (-11.0)

36

Personal Services (\$403,400) (\$524,675)

38

All Other (177,902) (281,127)

40

Capital Expenditures (2,580) (2,580)

42

TOTAL (\$583,882) (\$808,382)

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Provides for the transfer of funds to the Executive Department, Office of Substance Abuse including one Clerk IV position, 2 Clerk Stenographer III positions, 1 Information System Support Technician position, 1

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Director, Division of Drug Education position, 1 Educational Specialist I position, 4 Education Specialist II positions and one Librarian I position and related funding.

8	DEPARTMENT OF EDUCATION		
10	TOTAL	<u>(\$583,882)</u>	<u>(\$808,382)</u>
12	TOTAL APPROPRIATIONS	<u>(\$540,536)</u>	<u>(\$542,203)</u>

14 Further amend the bill by renumbering the sections to read consecutively.

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

20 **FISCAL NOTE**

22		1993-94	1994-95
24	APPROPRIATIONS/ALLOCATIONS		
26	General Fund	(\$540,536)	(\$542,203)

28 This bill results in General Fund savings of \$540,536 in fiscal year 1993-94 and \$542,203 in fiscal year 1994-95.

32 It transfers General Fund appropriations from various state departments to the Executive Department, Office of Substance Abuse including \$30,188 in fiscal year 1993-94 and \$40,250 in fiscal year 1994-95 from the Department of Corrections, \$1,132,321 in fiscal year 1993-94 and \$1,511,038 from the Department of Mental Health and Mental Retardation and \$583,882 in fiscal year 1993-94 and \$808,382 in fiscal year 1994-95 from the Department of Education.

40 This bill also deappropriates \$41,645 in fiscal year 1993-94 and \$54,249 in fiscal year 1994-95 from the Department of Mental Health and Mental Retardation due to the elimination of a Comprehensive Health Planner II position; and \$498,891 in fiscal year 1993-94 and \$487,954 in fiscal year 1994-95 from the Office of Substance Abuse due to savings from the consolidation of substance abuse services.

48 The Office of Substance Abuse will incur some minor additional costs to participate as a member of the

Interdepartmental Council, to manage the transferred resources, to prepare a consolidation plan including the review of federal funding for substance abuse services and to report the findings. These costs can be absorbed within the office's existing budgeted resources.

The Department of Education, the Department of Corrections and the Department of Mental Health and Mental Retardation will experience minor savings as a result of the transfer of certain programs.

The Governor's proposed current services budget includes changes which may affect this bill's impact on the level of funding available for transfer. This estimate of the fiscal impact may need to be adjusted based on final legislative actions on the current services budget.

STATEMENT OF FACT

This amendment changes the original bill as follows.

1. It adds the Director of the Office of Substance Abuse to the membership of the Interdepartmental Council and eliminates the members of the current Interdepartmental Council from the membership of the Substance Abuse Services Commission. A physician, superintendent, elementary educator, attorney, higher education representative, private sector employer and substance abuse practitioners in the areas of education, prevention and treatment are added to the membership of the commission, increasing the total number of members from 15 to 17. The per diem authorized in the bill is changed to allow expenses only for members of the commission.

2. The amendment clarifies that the commission provides oversight to the Office of Substance Abuse but does not direct its activities.

3. The amendment eliminates the Comprehensive Health Planner II position in the Department of Mental Health and Mental Retardation and deappropriates All Other funds in the Office of Substance Abuse in an amount that reflects the total deappropriation for the Office of Substance Abuse recommended in the Governor's budget for fiscal year 1994-95. The appropriation section is amended to reflect that the transfer would occur around October 1st. The Office of Substance Abuse is directed to recommend reallocation of the All Other cut if it finds administrative savings as substance abuse services are consolidated in the office.

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- 2 4. Language is added to the bill to clarify that the Office
of Substance Abuse continues current education efforts when the
Department of Education program is transferred to the office.
4 Also, transitional language is added to clarify that the current
incumbents retain their positions, along with their accrued
6 rights, benefits and privileges.

Reported by the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the
House
6/2/93 (Filing No. H-563)