

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1486

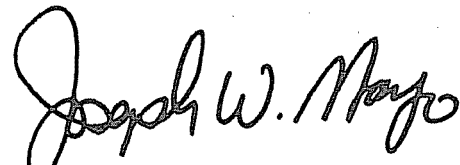
H.P. 1099

House of Representatives, May 10, 1993

**An Act to Consolidate All Substance Abuse Programs within the Office
of Substance Abuse.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Human Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GEAN of Alfred.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BRUNO of Raymond, CARROLL of Gray, CHONKO of Topsham,
FITZPATRICK of Durham, HALE of Sanford, JOSEPH of Waterville, KERR of Old Orchard
Beach, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MURPHY of Berwick, TREAT of
Gardiner, Senators: BALDACCI of Penobscot, BERUBE of Androscoggin, BUSTIN of
Kennebec, CONLEY of Cumberland, ESTY of Cumberland, FOSTER of Hancock,
HARRIMAN of Cumberland.

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

4 Sec. 1. 5 MRSA §939-A is enacted to read:

6 §939-A. Executive Department

8 1. Major policy-influencing positions. The following
10 positions are major policy-influencing positions within the
12 Executive Department. Notwithstanding any other provision of
14 law, this position and its successor positions are subject to
16 this chapter.

18 A. Director, Office of Substance Abuse.

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

22 13-C. Substance Legislative 5 MRSA
24 Executive/ Abuse Per Diem §20065
26 Drug Services
28 Prevention Commission
30 and Treatment

32 Sec. 3. 5 MRSA §12004-I, sub-§39, as amended by PL 1989, c.
34 934, Pt. A, §1, is repealed.

36 Sec. 4. 5 MRSA §20003, sub-§3-A is enacted to read:

38 3-A. Commission. "Commission" means the Substance Abuse
40 Services Commission, as established by section 12004-G,
42 subsection 13-C.

44 Sec. 5. 5 MRSA §20003, sub-§5, as enacted by PL 1989, c. 934,
46 Pt. A, §3, is repealed.

48 Sec. 6. 5 MRSA §20004-A is enacted to read:

50 §20004-A. Department and agencies responsible for cooperation
in implementation

All departments and agencies in State Government are
required to cooperate with the office in its implementation and
administration of this chapter.

Sec. 7. 5 MRSA §20005, sub-§4, as enacted by PL 1989, c. 934,
Pt. A, §3, is amended to read:

4. Coordination; organizational unit. Ensure that alcohol
and drug abuse assistance and service are delivered in an
efficient and coordinated program and, with the advice oversight
of the existing commission, coordinate all programs and activities

2 authorized by the federal Comprehensive Alcohol Abuse and
Alcoholism Prevention, Treatment and Rehabilitation Act of 1970,
4 Public Law 91-616 (1982), as amended, and by the Drug Abuse
Office and Treatment Act of 1972, 21 United States Code, Section
6 1101 et seq. (1982), as amended; and other state or federal
programs or laws related to drug abuse prevention that are not
8 the specific responsibility of another state agency under federal
or state law;

10
12 **Sec. 8. 5 MRSA §20005, sub-§12-B,** as enacted by PL 1991, c.
601, §7, is amended to read:

14 **12-B. Motor vehicle operator programs.** Administer and
oversee the operation of the State's programs related to the
16 abuse of alcohol by motor vehicle operators; and

18 **Sec. 9. 5 MRSA §20005, sub-§13,** as enacted by PL 1989, c. 934,
Pt. A, §3, is amended to read:

20 **13. General authority.** Perform other acts or exercise any
22 other powers necessary or convenient to carry out the purposes of
this chapter.;

24 **Sec. 10. 5 MRSA §20005, sub-§§14 to 20** are enacted to read:

26 **14. Interdepartmental cooperation.** Document to the
28 Legislature's satisfaction, active participation and cooperation
between the office and the other departments with which it works
30 through the commission;

32 **15. Public input.** Document an active, aggressive effort to
obtain client and public input on its decision-making process
34 through public hearings and other activities conducted by the
commission;

36 **16. Substance abuse services plan.** Plan for not only those
38 services funded directly by the office, but also those additional
services determined by the commission to be critical and related;

40 **17. Program services assessment and implementation.**
42 Analyze the existing services system, including the prevention
services offered within the State's public school systems,
44 identify gaps, strengths and weaknesses in the current services,
identify priorities for expanding or revising the existing
46 services and develop a specific plan to accomplish the most
critical changes that are needed;

48 **18. Comprehensive training strategy.** Establish a
50 comprehensive training strategy designed to develop the capacity

2 of front-line staff in direct human services positions, including
3 appropriate state agency staff, to recognize, assess and refer
4 chemically dependent clients for appropriate treatment;

6 19. Fiscal and program accountability. Enhance its current
7 efforts to ensure fiscal and program accountability for the
8 services it purchases and provides; and

10 20. Review policies. Review the full range of public
11 policies and strategies existing in State Government to identify
12 changes that would strengthen its response, identify policies
13 that might discourage excessive consumption of alcohol and other
14 drugs and generate new funding for alcohol and other drug
15 services.

16 Sec. 11. 5 MRSA c. 521, sub-c. IV, as amended, is repealed.

18 Sec. 12. 5 MRSA c. 521, sub-c. IV-A is enacted to read:

20 SUBCHAPTER IV-A

22 SUBSTANCE ABUSE SERVICES COMMISSION

24 §20065. Membership

26 1. Members; appointment. The Substance Abuse Services
27 Commission, as established by section 12004-G, subsection 13-C,
28 consists of 15 members. Two members must be current members of
29 the Legislature: one member from the Senate appointed by the
30 President of the Senate and one member from the House of
31 Representatives appointed by the Speaker of the House of
32 Representatives.

34 2. Qualifications. To be qualified to serve, members must
35 have education, training, experience, knowledge, expertise and
36 interest in drug abuse prevention and training. Members must
37 reflect experiential diversity and concern for drug abuse
38 prevention and treatment in the State. Members must have an
39 unselfish and dedicated personal interest demonstrated by active
40 participation in drug abuse programs such as prevention,
41 treatment, rehabilitation, training or research in drug abuse and
42 alcohol abuse.

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

46 A. One member of the Senate, appointed by the President of
47 the Senate;
48

2 B. One member of the House of Representatives, appointed by
the Speaker of the House of Representatives;

4 C. The Commissioner of Human Services or the commissioner's
designee;

6 D. The Commissioner of Corrections or the commissioner's
designee;

10 E. The Commissioner of Education or the commissioner's
designee;

12 F. The Commissioner of Mental Health and Mental Retardation
or the commissioner's designee;

14 G. The Commissioner of Public Safety or the commissioner's
designee; and

16 H. Eight members of the public, appointed by the Governor.
In appointing these 8 members, the Governor shall select
members from outstanding people in the following areas:

- 22 (1) Drug abuse prevention;
24 (2) Drug abuse treatment;
26 (3) Education;
28 (4) Employers; and
30 (5) Persons affected by or recovering from alcoholism,
32 chronic intoxication, drug abuse or drug dependency
34 evidenced by a minimum of 3 years of sobriety or
abstention from drug abuse.

36 4. Term; vacancies. Terms of appointment begin and expire
on June 1st. A vacancy in the commission does not affect the
38 commission's powers, but must be filled in the same manner as the
original appointment.

40 A member appointed to fill a vacancy occurring before the
42 expiration of the term for which the member's predecessor was
appointed may be appointed only for the remainder of that term.

44 A. The terms of the 8 public members are staggered. Of the
46 initial appointees, 3 are appointed for terms of 3 years, 3
for terms of 2 years and 2 for terms of 1 year. Thereafter,
48 all appointments are for terms of 3 years, except that a
member appointed to fill a vacancy in an unexpired term
50 serves only for the remainder of that term. Members hold

2 office until the appointment and confirmation of their
3 successors. A public member may not be appointed for more
4 than 2 consecutive, 3-year terms.

5 B. Members who are members of the Legislature and appointed
6 by the President of the Senate or the Speaker of the House
7 of Representatives serve at the pleasure of the appointing
8 authority.

9 C. Members who are commissioners of departments serve for
10 the duration of their tenure as commissioners. A member who
11 serves as a designee of a commissioner serves at the
12 pleasure of that commissioner.

13 5. Reappointment; termination. Members may be appointed
14 for 2 consecutive terms only and may serve after the expiration
15 of their terms until their successors have been appointed and
16 qualified and have taken office. The appointing authority may
17 terminate the appointment of a member for good and just cause and
18 the appointing authority shall communicate the reason for the
19 termination to the member terminated. The appointment of a
20 member of the commission is terminated if a member is absent from
21 3 consecutive meetings without good and just cause that is
22 communicated to the chair of the commission.

23 6. Officers. The Governor shall designate one member to
24 chair the commission. The commission may elect other officers
25 from its members as it considers appropriate.

26 7. Subcommittees. The commission may appoint from its
27 membership subcommittees relating to particular problem areas or
28 other matters, provided that the commission functions as an
29 integrated committee.

30 8. Administrative and financial assistance. The office
31 shall provide the commission administrative or financial
32 assistance that from time to time may be reasonably required to
33 carry out its activities. Reasonable and proper expenses of the
34 commission must be borne by the office from available state or
35 federal funds.

36 **§20066. Meetings; compensation; quorum**

37 1. Calling meetings. The commission shall meet at the call
38 of the chair or at the call of at least 1/4 of the members
39 appointed and currently holding office.

40 2. Frequency of meetings. The commission shall meet at
41 least 12 times a year and at least once a month.

2 3. Minutes. The commission shall keep minutes of all
4 meetings, including a list of people in attendance. The
6 commission shall immediately send copies of the minutes to the
8 Governor and the leadership of the Legislature, who shall provide
10 of their appropriate distribution and retention in a place of
12 safekeeping.

14 4. Compensation. Members of the commission are entitled to
16 compensation under chapter 379.

18 5. Quorum; council action. A majority of the commission
20 members constitutes a quorum for the purpose of conducting the
22 business and exercising all the powers of the commission. A vote
24 of a majority of the members present is sufficient for all
26 actions of the commission.

18 §20067. Duties of the commission

20 The commission, in cooperation with the office, has the
22 following duties.

24 1. Oversee office. The commission shall oversee and direct
26 the office in the development and implementation of significant
28 policy matters relating to substance abuse.

30 2. Advise, consult and assist. The commission shall
32 advise, consult and assist the Governor, the executive and
34 legislative branches of State Government and the Judicial Council
36 with activities of State Government related to drug abuse
38 prevention, including alcoholism and intoxication.

40 3. Serve as advocate; review and evaluate; inform the
42 public. The commission shall serve as an advocate on alcoholism
44 and drug abuse prevention, promoting and assisting activities
46 designed to meet the problems of drug abuse and drug dependence
48 at the national and state level. The commission shall review and
50 evaluate on a continuing basis and with the support of the
 office, state and federal policies and programs relating to drug
 abuse and other activities affecting persons who abuse or are
 dependent on drugs that are conducted or assisted by state
 departments or agencies. In cooperation with the office, the
 commission shall keep the public informed by collecting and
 disseminating information, by conducting or commissioning studies
 and publishing the results of those studies, by issuing
 publications and reports and by providing public forums,
 including conferences and workshops.

50 **Sec. 13. Consolidation of substance abuse services programs.** All
 substance abuse services and programs currently in existence
 throughout

2 State Government, including but not limited to any such programs
3 implemented by the Department of Education, the Department of
4 Corrections and the Department of Mental Health and Mental
5 Retardation are consolidated within the Office of Substance Abuse
6 in accordance with the plan required in section 14.

7 **Sec. 14. Development of consolidation plan.** The Office of
8 Substance Abuse shall review the substance abuse programs
9 existing in State Government and develop a proposal to implement
10 the consolidation of these programs within the Office of
11 Substance Abuse. The Office of Substance Abuse shall develop a
12 consolidation plan that provides quality services in an
13 efficient, cost-effective manner. In developing this plan, the
14 Office of Substance Abuse shall:

- 15 1. Identify unnecessary duplication of services;
- 16 2. Identify essential services that are not currently being
17 provided;
- 18 3. Review the levels of funding and staffing in the
19 substance abuse programs administered by other agencies; and
- 20 4. Propose the levels of funding and staffing that will be
21 required under the consolidation plan.

22 **Sec. 15. Review of federal funding.** In developing the
23 consolidation plan, the Office of Substance Abuse shall review
24 the programs, agencies and departments that currently receive
25 federal funds to purchase or provide substance abuse services and
26 determine which programs and funding could be transferred to the
27 Office of Substance Abuse as part of the consolidation plan. In
28 reviewing federal funding, the Office of Substance Abuse shall
29 examine whether restrictions on a transfer of funding exist and
30 the legal and funding ramifications of that transfer, and shall
31 consider the option of providing services to those programs,
32 agencies and departments on a contract basis.

33 **Sec. 16. Report.** The Office of Substance Abuse shall submit
34 its proposal, along with any necessary implementing legislation,
35 to the Second Regular Session of the 116th Legislature no later
36 than December 30, 1993. The plan must address specific
37 organizational structures and changes in staff positions and
38 funding.

39 **Sec. 17. Appropriation.** The following funds are appropriated
40 from the General Fund to carry out the purposes of this Act.
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43
44
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47
48

	1993-94	1994-95
2		
4	EXECUTIVE DEPARTMENT	
6	Office of Substance Abuse	
8	Positions (12.0)	(12.0)
8	Personal Services \$593,393	\$578,924
10	All Other 1,823,214	1,832,415
10	Capital Expenditures 2,580	2,580
12	Provides for the transfer of	
14	positions, funds and related	
16	functions from the Department	
16	of Mental Health and Mental	
18	Retardation, the Department	
18	of Corrections and the	
18	Department of Education.	
20	EXECUTIVE DEPARTMENT	
20	TOTAL	
22	<u>\$2,419,187</u>	<u>\$2,413,919</u>
24	MENTAL HEALTH AND MENTAL	
24	RETARDATION, DEPARTMENT OF	
26	Substance Abuse Services -	
28	Mental Health and Mental	
28	Retardation	
30	Positions (-1.0)	(-1.0)
32	Personal Services (\$55,526)	(\$54,249)
32	All Other (1,509,761)	(1,511,038)
34	Provides for the	
36	deappropriation of funds due	
36	to the transfer of substance	
38	abuse services and one	
38	Comprehensive Health Planner	
40	II position to the Office of	
40	Substance Abuse.	
42	DEPARTMENT OF MENTAL HEALTH	
44	AND MENTAL RETARDATION	
44	TOTAL	
44	<u>(\$1,565,287)</u>	<u>(\$1,565,287)</u>
46	CORRECTIONS, DEPARTMENT OF	
48	Correctional Services	
50	All Other (\$40,250)	(\$40,250)

2 Provides for the
 4 deappropriation of funds due
 6 to the transfer of substance
 8 abuse services to the Office
 10 of Substance Abuse.

12 **DEPARTMENT OF CORRECTIONS**
 14 **TOTAL** (\$40,250) (\$40,250)

16 **EDUCATION, DEPARTMENT OF**

18 **Alcohol and Drug Educational
 20 Services**

22	Positions	(-11.0)	(-11.0)
24	Personal Services	(\$537,867)	(\$524,675)
26	All Other	(273,203)	(281,127)
28	Capital Expenditures	(2,580)	(2,580)

30 Provides for the
 32 deappropriation of funds due
 34 to the transfer of one Clerk
 36 IV position, 2 Clerk
 38 Stenographer III positions, 1
 40 Information System Support
 42 Technician position, 1
 44 Director, Division of Drug
 46 Education position, 1
 48 Educational Specialist I
 position, 4 Educational
 Specialist II positions and
 one Librarian I position and
 the transfer of substance
 abuse services to the Office
 of Substance Abuse.

40 **DEPARTMENT OF EDUCATION**
 42 **TOTAL** (\$813,650) (\$808,382)

44 **STATEMENT OF FACT**

46 This bill amends the laws governing the Office of Substance
 Abuse by making the following changes.

- 48 1. It establishes the position of Director of the Office of
 Substance Abuse as a major policy-influencing position.

2 2. It repeals the existing Maine Council on Alcohol and
3 Drug Abuse Prevention and Treatment and establishes the Substance
4 Abuse Services Commission, which has the duty of overseeing and
5 directing the Office of Substance Abuse.

6 3. It requires that departments and agencies in State
7 Government cooperate with the Office of Substance Abuse in the
8 implementation and administration of its duties.

9 4. It expands the duties of the Office of Substance Abuse
10 related to coordination, planning, program services assessment
11 and implementation, comprehensive training, fiscal and program
12 accountability and reviewing of policies.

13 5. It deappropriates all General Fund money appropriated to
14 other departments for substance abuse services and appropriates
15 that money to the Office of Substance Abuse and directs the
16 Office of Substance Abuse to develop a plan to implement the
17 consolidation of all state-run substance abuse programs within
18 the Office of Substance Abuse.
19
20