

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2071

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S.P. 770

In Senate, January 20, 1998

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**An Act Regarding Contract Procedures.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.

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

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**Sec. 1. 5 MRSA §20005, sub-§6**, as amended by PL 1995, c. 560, Pt. L, §5 and affected by §16, is further amended to read:

**6. Contracts and licensing.** Through the director:

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

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, and community-based service providers pursuant to section 20024 and subchapter V.

The commissioner may delegate contract and licensing duties under this subsection to the Department of Human Services, the Department of Corrections or other divisions of the department as long as that delegation ensures that contracting for alcohol and other drug abuse services provided in community settings are consolidated within the Department of Human Services, that contracting for alcohol and other drug abuse services delivered within correctional facilities are consolidated within the Department of Corrections and that contracting for alcohol and other drug abuse services delivered within mental health and mental retardation facilities are consolidated within the department.

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

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

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

The commissioner shall establish a procedure to obtain assistance and advice from consumers of alcohol and other drug abuse

2 services regarding the selection of contractors when requests for  
proposals are issued;

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### SUMMARY

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8 This bill repeals a paragraph on social service contracting  
by the Department of Mental Health, Mental Retardation and  
Substance Abuse Services, Office of Substance Abuse that  
10 conflicts with provisions of Public Law 1997, chapter 381.