

MAINE STATE LEGISLATURE

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L.D. 2014

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1409, L.D. 2014, Bill, "An Act to Institutionalize Substance Abuse Treatment Courts in Maine"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. 4 MRSA c. 8 is enacted to read:

CHAPTER 8

ALCOHOL AND DRUG TREATMENT PROGRAMS

§421. Establishment

1. Programs. The Judicial Department may establish alcohol and drug treatment programs in the Superior Courts and District Courts and may adopt administrative orders and court rules to govern the practice, procedure and administration of these programs. Alcohol and drug treatment programs must include local judges and must be community based and operated separately from juvenile drug courts.

2. Goals. The goals of the alcohol and drug treatment programs authorized by this chapter include the following:

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- 2 A. To reduce alcohol and drug abuse and dependency among
 criminal offenders;
- 4 B. To reduce criminal recidivism;
- 6 C. To increase personal, familial and societal
 accountability of offenders;
- 8 D. To promote healthy and safe family relationships;
- 10 E. To promote effective interaction and use of resources
12 among justice system personnel and community agencies; and
- 14 F. To reduce the overcrowding of prisons.

16 3. Collaboration. The following shall collaborate with
18 and, to the extent possible, provide financial assistance to the
 Judicial Department in establishing and maintaining alcohol and
20 drug treatment programs:

- 22 A. District attorneys, the Department of the Attorney
 General and statewide organizations representing prosecutors;
- 24 B. Defense attorneys, including statewide organizations
 representing defense attorneys;
- 26 C. The Department of Corrections;
- 28 D. The Department of Mental Health, Mental Retardation and
30 Substance Abuse Services;
- 32 E. The Department of Public Safety;
- 34 F. The Department of Education;
- 36 G. The business community;
- 38 H. Local service agencies; and
- 40 I. Statewide organizations representing drug court
42 professionals.

44 **§422. Programs**

46 1. Drug Court Coordinator. The Judicial Department shall
48 employ a Drug Court Coordinator. The Drug Court Coordinator is
 responsible for helping the Judicial Department establish, staff,
50 operate and evaluate alcohol and drug treatment programs in the
 courts.

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2 2. Pass-through services. The Administrative Office of the
3 Courts, with the assistance of the Drug Court Coordinator, may
4 enter into cooperative agreements or contracts with:

5 A. The Department of Mental Health, Mental Retardation and
6 Substance Abuse Services, Office of Substance Abuse or other
7 federal-licensed treatment providers or state-licensed
8 treatment providers to provide substance abuse services for
9 alcohol and drug treatment program participants. To the
10 extent possible, the alcohol and drug treatment programs
11 must access existing substance abuse treatment resources for
12 alcohol and drug treatment program participants;

13 B. The Department of Corrections, Division of Community
14 Corrections or other appropriate organizations to provide
15 for supervision of alcohol and drug treatment program
16 participants;

17 C. The Department of Corrections or other appropriate
18 organizations to provide for drug testing of alcohol and
19 drug treatment program participants;

20 D. Appropriate organizations to provide for a drug court
21 manager at each alcohol and drug treatment program location;
22 and

23 E. Appropriate organizations and agencies for training of
24 alcohol and drug treatment program staff and for evaluation
25 of alcohol and drug treatment program operations.

26 **§423. Reports**

27 The Judicial Department shall report to the joint standing
28 committee of the Legislature having jurisdiction over judiciary
29 matters by January 15, 2002 and annually thereafter on the
30 establishment and operation of alcohol and drug treatment
31 programs in the courts. The report must cover at least the
32 following:

33 1. Training. Judicial training;

34 2. Locations. Locations in which the alcohol and drug
35 treatment programs are operated in each prosecutorial district;

36 3. Participating judges and justices. Judges and justices
37 participating in the alcohol and drug treatment programs at each
38 location;

2 4. Community involvement. Involvement of the local
communities, including the business community and local service
4 agencies;

6 5. Education. Educational components;

8 6. Existing resources. Use of existing substance abuse
resources;

10 7. Statistics. Statistical summaries of each alcohol and
12 drug treatment program;

14 8. Collaboration. Demonstration of the collaboration
required under section 421, subsection 3, including agreements
16 and contracts, the entities collaborating with the Judicial
Department, the value of the agreements and contracts and the
18 amount of financial assistance provided by each entity; and

20 9. Evaluation of programs. Evaluation of alcohol and drug
treatment programs individually and overall.

22 **Sec. 2. Planning and implementation committee.** The Judicial
Department shall establish the Drug Court Committee to create a
24 plan for and to implement alcohol and drug treatment programs.
The plan must include at least the following:

26 1. Judicial training;

28 2. At least one program in each prosecutorial district, to
30 be operated at various locations within each district;

32 3. The use of judges who are part of the community in which
the alcohol and drug treatment program is located;

34 4. The involvement of the local community, including the
36 local business community and local service agencies, in planning
and implementing the programs and in the delivery of services;

38 5. The identification of role of educational programs in
40 alcohol and drug treatment programs;

42 6. The use of existing treatment resources;

44 7. An explanation of the collaboration required under the
Maine Revised Statutes, Title 4, section 421, subsection 3,
46 including agreements and contracts, the entities collaborating
with the Judicial Department, the value of the agreements and
48 contracts and the amount of financial assistance provided by each
entity;

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2 8. The identification of the resource needs to provide appropriate supervision of program participants; and

4 9. The establishment of evaluation criteria and procedures, including tracking the status of participants after they are no longer part of the program.

8 The Drug Court Committee shall report to the First Regular Session of the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include a summary of the Drug Court Committee's activities, a timetable for full implementation and any legislation the Drug Court Committee recommends. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations.

18 **Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

20 2000-01

22 **JUDICIAL DEPARTMENT**

24 **Courts - Supreme, Superior, District and Administrative**

28	Positions - Legislative Count	(1,000)
	Personal Services	\$53,495
30	All Other	24,417

32 Provides funds for one Drug Court Coordinator position, effective September 1, 2000, and related expenses, including funds for training.

38 **JUDICIAL DEPARTMENT TOTAL**

\$77,912'

40 Further amend the bill by inserting at the end before the summary the following:

44 **FISCAL NOTE**

46 2000-01

48 **APPROPRIATIONS/ALLOCATIONS**

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2 having jurisdiction over judiciary matters may report out
legislation based on the recommendations.

4 The alcohol and drug treatment programs are to be community
based. The presiding judge must be from that community, and the
6 local community must be invited to participate in the planning
and implementation and in the delivery of services.

8 The drug and alcohol treatment programs are to be developed
10 through a collaborative effort involving all entities
participating in the programs including:

12 1. District attorneys, the Department of the Attorney
14 General and statewide organizations representing prosecutors;

16 2. Defense attorneys, including statewide organizations
representing defense attorneys;

18 3. The Department of Corrections;

20 4. The Department of Mental Health, Mental Retardation and
22 Substance Abuse Services;

24 5. The Department of Public Safety;

26 6. The Department of Education;

28 7. The business community;

30 8. Local service agencies; and

32 9. Statewide organizations representing drug court
34 professionals.

36 The programs must make use of already appropriated funds for
substance abuse services and other existing resources to the
38 extent possible.

40 The Judicial Department may not combine alcohol and drug
treatment programs authorized in this amendment with the new
42 juvenile drug courts.

44 This amendment adds an appropriation section and a fiscal
note to the bill.

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