

# MAINE STATE LEGISLATURE

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Date: 3/28/16

L.D. 1488  
(Filing No. H-611 )

JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1011, L.D. 1488, Bill, "An Act To Establish the Law Enforcement Assisted Diversion Program in Maine"

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

'An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 25 MRSA Pt. 13 is enacted to read:

PART 13

SUBSTANCE ABUSE ASSISTANCE

CHAPTER 601

SUBSTANCE ABUSE ASSISTANCE PROGRAM

§5101. Substance Abuse Assistance Program

1. Substance Abuse Assistance Program. The Substance Abuse Assistance Program, referred to in this chapter as "the program," is established to support persons with presumed substance use disorders by providing grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism.

2. Eligibility; program targets; projects. Grants may be awarded to:

A. Municipal or county governments or regional jails for projects designed to assist persons with presumed substance use disorders by diverting alleged low-level offenders into community-based treatment and support services. Projects may include, but are not limited to:

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(1) Referral of program participants to evidence-based treatment programs, including medically assisted treatment; and

(2) Provision of case management services to program participants in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for program participants; and

B. County governments or regional jails for projects in county or regional jails designed to assist persons with presumed substance use disorders. Projects may include, but are not limited to:

(1) Provision of evidence-based treatment programs, including medically assisted treatment, to jail inmates; and

(2) Provision of case management or other support services to program participants to assist in transition from jail upon release.

**3. Requirements.** A grant application for a project described in subsection 2 must include the following:

A. A statement of purpose and measurable goals for the project and use for the funds;

B. The elements of the project, which must include the targeted population, the nature of services or assistance to be provided and expected outcomes;

C. For diversion projects, a statement of the municipality's or county's diversion policy, including criteria for selecting participants for the project;

D. A review of other substance abuse services available in the applicant municipality or county and communities adjacent to the applicant municipality or county and a statement of the unmet needs to be addressed by the project;

E. A review of efforts to collaborate among relevant law enforcement agencies, treatment providers, harm reduction services, recovery support services and other community resources and a summary of collaborative approaches included in the project, if any; and

F. A summary of data to be collected to assess the effectiveness of the project and the methodology that will be used to make that assessment. The data to be collected must include measurements of the long-term health, treatment and criminal justice involvement outcomes for participants and must be included in reports filed under subsection 6 as part of a rigorous evaluation process.

**4. Selection of grant recipients; steering committee.** The Commissioner of Public Safety shall review applications submitted by municipalities and counties for grants under this chapter. Preference must be given to collaborative approaches that include treatment providers or community-based organizations. The following steering committee shall advise the Commissioner of Public Safety in selecting grant recipients. The steering committee consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following organizations, programs and associations selected by the Commissioner of Public Safety from suggestions provided by the organizations, programs and associations: a statewide organization of police chiefs; a statewide

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1 organization of sheriffs; a statewide organization representing physicians; a statewide  
2 organization representing prosecutors; a statewide organization representing providers of  
3 legal services for the indigent; peer recovery programs; and harm reduction associations.

4 **5. Administration of funds.** The policy board established in this State to carry out  
5 the State's responsibilities under the federal Justice Assistance Act of 1984, the federal  
6 Anti-Drug Abuse Act of 1986, the federal Anti-Drug Abuse Act of 1988 and the federal  
7 Violent Crime Control and Law Enforcement Act of 1994, known as "the Justice  
8 Assistance Council," shall administer grant funds appropriated for use under this chapter  
9 and disburse the funds to municipalities, counties and regional jails selected under  
10 subsection 4. The department may retain up to 5% of funds to cover administrative  
11 expenses.

12 **6. Reports.** A recipient of a grant under subsection 4 shall report to the  
13 Commissioner of Public Safety annually on the anniversary date of the grant award  
14 regarding the status of the project for which the grant was awarded. The report must  
15 include a description of how the grant funds were spent, the results of the project and any  
16 recommendations for modification of the project, including any available information  
17 concerning the project's effectiveness in reducing substance abuse and recidivism.

18 **Sec. 2. Reports to committees.** The Commissioner of Public Safety shall report  
19 to the joint standing committee of the Legislature having jurisdiction over criminal justice  
20 matters and the joint standing committee of the Legislature having jurisdiction over  
21 judiciary matters by January 15, 2017 regarding the recipients and the amounts of the  
22 grants awarded under the Substance Abuse Assistance Program established in the Maine  
23 Revised Statutes, Title 25, chapter 601. The Commissioner of Public Safety shall provide  
24 a report summarizing the results of the grant program and providing recommendations as  
25 to the program's continuation or modification and any need for additional funding by  
26 January 15, 2018 and January 15, 2019 to the joint standing committee of the Legislature  
27 having jurisdiction over criminal justice and public safety matters and the joint standing  
28 committee of the Legislature having jurisdiction over judiciary matters.

29 **Sec. 3. Pilot projects.** The Commissioner of Public Safety shall implement the  
30 Substance Abuse Assistance Program established in the Maine Revised Statutes, Title 25,  
31 section 5101 by selecting, with the advice of the steering committee described in Title 25,  
32 section 5101, subsection 4, at least 8 pilot projects in communities around the State, at  
33 least 2 projects of which are administered by municipalities and at least 2 projects of  
34 which are administered by county or regional jails.

35 **Sec. 4. Appropriations and allocations.** The following appropriations and  
36 allocations are made.

37 **PUBLIC SAFETY, DEPARTMENT OF**

38 **Administration - Public Safety 0088**

39 Initiative: Provides funds for the Substance Abuse Assistance Program.

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COMMITTEE AMENDMENT "A" to H.P. 1011, L.D. 1488

1	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
2	All Other	\$0	\$1,922,832
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$1,922,832</u>

5 **Administration - Public Safety 0088**

6 Initiative: Provides funding for one Contract Grant Specialist position and related  
7 administrative costs to administer and oversee the Substance Abuse Assistance Program.  
8 This funding comes from the 5% allowed for administrative costs as specified in the  
9 Maine Revised Statutes, Title 25, section 5101, subsection 5.

10	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
11	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
12	Personal Services	\$0	\$73,898
13	All Other	\$0	\$3,270
14			
15	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$77,168</u>

16	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
17	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
18			
19	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$2,000,000</b>
20			
21	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$2,000,000</b></u>
22			

23 **SUMMARY**

24 This amendment replaces the bill.

25 The amendment establishes the Substance Abuse Assistance Program to provide  
26 grants to municipalities and counties to carry out projects designed to reduce substance  
27 abuse, substance abuse-related crimes and recidivism.

28 The Commissioner of Public Safety, in consultation with a steering committee, will  
29 select at least 8 pilot projects to receive grants. At least 2 projects must be awarded to  
30 municipalities and at least 2 projects must be awarded to counties. The steering  
31 committee that will advise in the selection of the pilot projects consists of the  
32 Commissioner of Corrections or the commissioner's designee and representatives of the  
33 following: a statewide organization of police chiefs; a statewide organization of sheriffs;  
34 a statewide organization representing physicians; a statewide organization representing  
35 prosecutors; a statewide organization representing providers of legal services to the  
36 indigent; peer recovery programs; and harm reduction associations. The Maine Justice  
37 Assistance Council will administer the grants.

38 The recipients of the grants must report the continuation or modification of the grant  
39 program and any need for additional funding to the Commissioner of Public Safety

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annually, and the commissioner must report in January 2018 and 2019 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters.

The amendment includes a total appropriation of \$2,000,000 as included in the bill and uses \$77,168 of the total to pay for a position to administer the grants. That amount is part of the 5% that the Department of Public Safety may use for administering the grants.

**FISCAL NOTE REQUIRED**

**(See attached)**

**COMMITTEE AMENDMENT**



# 127th MAINE LEGISLATURE

LD 1488

LR 2385(02)

## An Act To Establish the Law Enforcement Assisted Diversion Program in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-611)

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$2,000,000	\$2,000,000	\$2,000,000
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$2,000,000	\$2,000,000	\$2,000,000

#### Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$2,000,000 in fiscal year 2016-17 to the Department of Public Safety for one Contract Grant Specialist position and administrative costs to administer and oversee the Program and to provide grants to municipalities and counties.