

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SML
ROB'S

MAJORITY

L.D. 1537

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: 1/14/16

(Filing No. S-344)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 599, L.D. 1537, Bill, "An Act To Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery"

Amend the bill by striking out all of Part A and inserting the following:

'PART A

Sec. A-1. Report. The Commissioner of Public Safety shall appear periodically before the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice matters to report on the implementation of this Part.

Sec. A-2. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part and any unencumbered funds transferred pursuant to financial order 03451F16 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. A-3. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part and any unencumbered funds transferred pursuant to financial order 03451F16 remaining at the end of fiscal year 2015-16 may not lapse but must be carried forward to be used for the same purposes.

Sec. A-4. Transfer; Gambling Control Board; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,230,000 in unexpended funds from the Gambling Control Board administrative expenses, Other Special Revenue Funds account in the Department of Public Safety to the General Fund unappropriated surplus on or before the close of fiscal year 2016-17.

Sec. A-5. Appropriations and allocations. The following appropriations and allocations are made.

COMMITTEE AMENDMENT

1 **PUBLIC SAFETY, DEPARTMENT OF**
 2 **Drug Enforcement Agency 0388**
 3 Initiative: Provides ongoing funding for 10 investigative agents.

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$0	\$1,230,000
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,230,000</u>
8			

9 Amend the bill in Part B by striking out all of section 1 and inserting the following:

10 '**Sec. B-1. Law enforcement and county jail initiatives regarding**
 11 **treatment, recovery and support services.** The Department of the Attorney
 12 General, after receiving advice from the Maine Sheriffs' Association and the Maine
 13 Chiefs of Police Association, shall administer grants to local law enforcement agencies
 14 and county jails located in geographically diverse communities throughout the State to
 15 fund projects designed solely to facilitate pathways to community-based treatment,
 16 recovery and support services. Grant applications must include statements of purpose
 17 and measurable goals for the projects and use for the funds. Grant recipients shall report
 18 to the Department of the Attorney General annually on the anniversary date of the grant
 19 award regarding the status of the projects, a description of how the funds were spent, the
 20 results of the projects and use of the funds and any recommendations for modification of
 21 the projects, including any available information concerning their effectiveness in
 22 reducing drug use and recidivism. The Department of the Attorney General shall provide
 23 a report summarizing the results of the grant program and providing recommendations as
 24 to its continuation or modification and any need for additional funding by January 15,
 25 2017 and January 15, 2018 to the joint standing committee of the Legislature having
 26 jurisdiction over criminal justice and public safety matters and the joint standing
 27 committee of the Legislature having jurisdiction over judiciary matters.'

28 Amend the bill in Part C by striking out all of sections 1 and 2 and inserting the
 29 following:

30 '**Sec. C-1. Detoxification center.** The Department of Health and Human Services
 31 shall provide funding to a substance abuse treatment entity to develop and operate a
 32 detoxification center with at least 10 beds that provides a social detoxification program in
 33 an organized residential nonmedical setting delivered by appropriately trained staff that
 34 provide safe 24-hour monitoring, observation and support in a supervised environment
 35 for a client to achieve initial recovery from the effects of alcohol or another drug.

- 36 1. The substance abuse treatment entity must:
- 37 A. Be located in a northern or eastern area of the State with high rates of opioid use
 - 38 and accessible to related services and supports;
 - 39 B. Specialize in treating substance abuse and mental health disorders; and
 - 40 C. Have an established history of providing substance abuse treatment and running
 - 41 residential programs in the region.

R O F S

1 2. At least 40% of the occupancy in the detoxification center established under this
2 section must be made available to individuals who do not have MaineCare coverage or
3 health insurance coverage for detoxification treatment.

4 3. No later than June 30, 2016 the department shall begin distributing the funds
5 appropriated in section 5.

6 **Sec. C-2. Report.** The Commissioner of Health and Human Services shall appear
7 periodically before the joint standing committee of the Legislature having jurisdiction
8 over health and human services matters to report on the implementation of this Part.'

9 Amend the bill in Part C by striking out all of section 5 and inserting the following:

10 **'Sec. C-5. Appropriations and allocations.** The following appropriations and
11 allocations are made.

12 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

13 **Office of Substance Abuse and Mental Health Services 0679**

14 Initiative: Provides one-time funding for the development of a detoxification center in a
15 northern or eastern area of the State in accordance with this Part.

16	GENERAL FUND	2015-16	2016-17
17	All Other	\$200,000	\$0
18			
19	GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$0</u>

20 **Office of Substance Abuse and Mental Health Services 0679**

21 Initiative: Provides ongoing funding for the operation of a detoxification center in a
22 northern or eastern area of the State in accordance with this Part.

23	GENERAL FUND	2015-16	2016-17
24	All Other	\$0	\$700,000
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$700,000</u>

27 **HEALTH AND HUMAN SERVICES,
28 DEPARTMENT OF (FORMERLY BDS)
29 DEPARTMENT TOTALS**

29		2015-16	2016-17
30			
31	GENERAL FUND	\$200,000	\$700,000
32			
33	DEPARTMENT TOTAL - ALL FUNDS	<u>\$200,000</u>	<u>\$700,000</u>

34
35 Amend the bill in Part D by striking out all of sections 1 and 2 and inserting the
36 following:

COMMITTEE AMENDMENT

1 **'Sec. D-1. Peer support recovery centers; education and coordination of**
 2 **services.** The Department of Health and Human Services shall provide funds in an
 3 expedited manner, beginning within 60 days after the effective date of this Part, in the
 4 amount of \$700,000 to an organization with expertise and experience in substance abuse
 5 prevention, treatment and peer recovery services to, on a statewide basis:

- 6 1. Establish in underserved areas of the State and expand peer support recovery
 7 centers designed to assist individuals with substance abuse issues to avoid relapse;
- 8 2. Coordinate the efforts of law enforcement, treatment and recovery programs and
 9 link individuals in recovery to career resources;
- 10 3. Facilitate the delivery of effective prevention and education programming in
 11 schools and communities; and
- 12 4. Maintain a directory of substance abuse providers and prevention and recovery
 13 services that is publicly available.

14 **Sec. D-2. Report.** The Commissioner of Health and Human Services shall appear
 15 periodically before the joint standing committee of the Legislature having jurisdiction
 16 over health and human services matters to report on the implementation of this Part.'

17 Amend the bill in Part D by striking out all of section 5 and inserting the following:

18 **'Sec. D-5. Request for proposals.** Except as provided in section 1, the
 19 Department of Health and Human Services shall provide grant funds using the
 20 competitive request for proposal bidding process set forth in the Maine Revised Statutes,
 21 Title 5, chapter 155. The department shall issue a request for proposals no later than
 22 January 1, 2017 to award annual grant funds beginning no later than July 1, 2017.

23 **Sec. D-6. Appropriations and allocations.** The following appropriations and
 24 allocations are made.

25 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

26 **Office of Substance Abuse and Mental Health Services 0679**

27 Initiative: Provides expedited funding for the 2015-16 and 2016-17 fiscal years and then
 28 annual ongoing funding for fiscal years beginning 2017-18 through a competitive request
 29 for proposal process to an organization with expertise and experience in substance abuse
 30 prevention, treatment and peer recovery services to provide services on a statewide basis
 31 that include the establishment and expansion of peer support recovery centers, the
 32 coordination and provision of substance abuse treatment and recovery programs,
 33 prevention and education in schools and communities and the maintenance of a publicly
 34 available directory of resources.

35	GENERAL FUND	2015-16	2016-17
36	All Other	\$200,000	\$500,000
37			
38	GENERAL FUND TOTAL	\$200,000	\$500,000
39			

40 Amend the bill in Part E by striking out all of section 3 and inserting the following:

R O F S

1 **'Sec. E-3. Appropriations and allocations.** The following appropriations and
 2 allocations are made.

3 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

4 **Office of Substance Abuse and Mental Health Services 0679**

5 Initiative: Provides funding to increase substance abuse residential treatment for the
 6 uninsured.

7	GENERAL FUND	2015-16	2016-17
8	All Other	\$200,000	\$400,000
9			
10	GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$400,000</u>

11 **Office of Substance Abuse and Mental Health Services 0679**

12 Initiative: Provides funding to increase substance abuse outpatient services for the
 13 uninsured, including individual, group and intensive outpatient treatment.

14	GENERAL FUND	2015-16	2016-17
15	All Other	\$75,000	\$125,000
16			
17	GENERAL FUND TOTAL	<u>\$75,000</u>	<u>\$125,000</u>

18 **HEALTH AND HUMAN SERVICES,**
 19 **DEPARTMENT OF (FORMERLY BDS)**
 20 **DEPARTMENT TOTALS**

21		2015-16	2016-17
22	GENERAL FUND	\$275,000	\$525,000
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$275,000</u>	<u>\$525,000</u>
25			

26 Amend the bill in Part F in section 1 in the last line (page 6, line 4 in L.D.) by
 27 inserting after the following: "No. BCD-CV-14-49" the following: ', which court order
 28 requires that the funds be used in the sole discretion of the Attorney General for purposes
 29 set forth in the order. The Attorney General has provided written confirmation to the
 30 President of the Senate and the Speaker of the House of Representatives that the specified
 31 use of the funds to be transferred by this Part is consistent with the terms of the court
 32 order'

33 Amend the bill by adding after Part F the following:

34 **'PART G**

35 **Sec. G-1. Appropriations and allocations.** The following appropriations and
 36 allocations are made.

1
2
3
4

5
6
7
8
9
10

11

12
13

14
15
16
17
18
19
20
21
22
23
24
25
26
27

28
29

30
31
32
33
34
35

36
37
38
39

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Transfers funds from Personal Services to All Other to provide funding to support increased criminal dockets, including an increase in criminal jury trials.

GENERAL FUND	2015-16	2016-17
Personal Services	(\$240,000)	\$0
All Other	\$240,000	\$0
GENERAL FUND TOTAL	<u> </u> \$0	<u> </u> \$0

SUMMARY

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. In Part A, it:

A. Adds the Joint Standing Committee on Criminal Justice and Public Safety to the entities to which periodic reports must be made by the Commissioner of Public Safety;

B. Adds funding provided by financial order 03451F16 to the unencumbered balances that may not be transferred;

C. Adds funding provided by financial order 03451F16 to the unencumbered balances that may not lapse and restricts the nonlapsing year to fiscal year 2015-16 only;

D. Eliminates the appropriation for 10 investigative agents in fiscal year 2015-16 and reduces the appropriation in fiscal year 2016-17 from \$1,600,000 to \$1,230,000; and

E. Adds a section to transfer \$1,230,000 from the Gambling Control Board administrative expenses, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before the close of fiscal year 2016-17.

2. In Part B, it requires consultation with the Maine Sheriffs' Association and the Maine Chiefs of Police Association and requires enhanced reporting.

3. In Part C, it:

A. Changes the requirement for a new 10-bed detoxification center to a requirement for a new detoxification center with at least 10 beds; and

B. Changes the requirement that the center be in Bangor to a requirement that the center be in a northern or eastern area of the State with high rates of opioid use and accessible to related services and supports.

4. In Part C and Part D, it changes the reporting requirements so that the Commissioner of Health and Human Services reports periodically to the Joint Standing Committee on Health and Human Services rather than the Joint Standing Committee on Appropriations and Financial Affairs.

R.O.

- 1 5. In Part D, it:
- 2 A. Removes the reference to the Maine Association of Substance Abuse Programs
- 3 and directs the Department of Health and Human Services to provide funding within
- 4 60 days after the effective date of the Part to an organization with expertise and
- 5 experience in substance abuse prevention, treatment and peer recovery services to
- 6 provide substance abuse services statewide;
- 7 B. Adds to the services to be provided a requirement that coordination services
- 8 include links to career services and a requirement that the organization develop and
- 9 maintain a directory of providers and resources that is publicly available; and
- 10 C. Requires that although funding may be sole-sourced for fiscal years 2015-16 and
- 11 2016-17, future awards must be awarded on a competitive basis. It requires the
- 12 Department of Health and Human Services to issue a request for proposals by
- 13 January 1, 2017 that is competitively bid through the regular process pursuant to the
- 14 Maine Revised Statutes, Title 5, chapter 155 for ongoing funding awards beginning
- 15 no later than July 1, 2017.
- 16 6. In Part E, it adds individual, group and intensive outpatient treatment to the
- 17 substance abuse outpatient services for the uninsured for which a funding increase is
- 18 provided.
- 19 7. In Part F, it adds language regarding the requirements of the court order from
- 20 which the funds to be transferred originated and states that the Attorney General has
- 21 provided confirmation that the use of funds is consistent with the terms of the court order.
- 22 8. It adds Part G, which transfers funds from Personal Services to All Other in the
- 23 Judicial Department, Courts - Supreme, Superior and District program, General Fund
- 24 account in fiscal year 2015-16 to provide funding to support increased criminal dockets,
- 25 including an increase in criminal jury trials.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1537

LR 2599(02)

An Act To Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-344)
 Committee: Appropriations and Financial Affairs
 Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$0	\$0	\$3,005,000	\$3,005,000
Appropriations/Allocations				
General Fund	\$725,000	\$3,005,000	\$3,005,000	\$3,005,000
Transfers				
General Fund	\$725,000	\$3,005,000	\$0	\$0
Other Special Revenue Funds	\$0	(\$1,230,000)	\$0	\$0

Fiscal Detail and Notes

Part A of this bill includes a General Fund appropriation of \$1,230,000 in fiscal year 2016-17 to the Department of Public Safety to fund 10 investigative agents. Part A includes a one-time transfer of \$1,230,000 in fiscal year 2016-17 to the unappropriated surplus of the General Fund from the Gambling Control Board administrative expenses, Other Special Revenue Funds account.

Part B of this bill includes a General Fund appropriation of \$50,000 in fiscal years 2015-16 and 2016-17 for the Department of the Attorney General to provide funding for local law enforcement entities.

Part C, D and E of this bill includes General Fund appropriations to The Department of Health and Human Services of \$675,000 in fiscal year 2015-16 and \$1,725,000 in fiscal year 2016-17. This funding will be used to provide multiple services, including funding for the development and operation of a detoxification center, ongoing funding for annual grants for the establishment and expansion of peer support recovery centers and the coordination and provision of substance abuse prevention and education in schools and communities, and ongoing funding to increase substance abuse residential treatment and outpatient services for the uninsured.

Part F of this bill provides one-time transfers of \$725,000 in fiscal year 2015-16 and \$1,775,000 in fiscal year 2016-17 to the unappropriated surplus of the General Fund from Other Special Revenue Funds received pursuant to the court order in State of Maine v. McGraw-Hill Companies, Inc. 3 and Standard & Poor's Financial Services, LLC, Kennebec County Superior Court Docket 4 No. BCD-CV-14-49.

Part G of this bill includes a General Fund line category transfer from Personal Services to All Other of \$240,000 in fiscal year 2016 for the Judicial Department.