

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 electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1197

H.P. 834

House of Representatives, March 28, 2017

An Act to Support Substance Use Disorder Prevention, Treatment and Recovery

Reference to the Joint Select Committee on Marijuana Legalization Implementation suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BEEBE-CENTER of Rockland.
Cosponsored by Senator MAKER of Washington and
Representatives: BLUME of York, CASÁS of Rockport, MALABY of Hancock, PARKER of
South Berwick, WARREN of Hallowell, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 5 MRSA §20010** is enacted to read:

3 **§20010. Fund for Substance Use Disorder Prevention, Treatment and Recovery**

4 **1. Fund established.** The Fund for Substance Use Disorder Prevention, Treatment
5 and Recovery, referred to in this section as "the fund," is established as a nonlapsing fund
6 for the purposes specified in this section as a separate and distinct fund for accounting
7 and budgetary reporting purposes.

8 **2. Sources of fund.** The State Controller shall credit to the fund:

9 A. All money received from the tax imposed on the retail sale of marijuana and
10 marijuana products pursuant to Title 36, section 1817, subsection 7, paragraph A;

11 B. Money from any other source, whether public or private, designated for deposit
12 into or credited to the fund; and

13 C. Interest earned or other investment income on balances in the fund.

14 **3. Use of fund; supplemental funding.** The fund must be distributed and used for
15 the following purposes:

16 A. Twenty-five percent to the Maine Center for Disease Control and Prevention for
17 prevention of substance use disorder. The Maine Center for Disease Control and
18 Prevention shall work with the department to establish and maintain a program
19 pursuant to subchapter 2;

20 B. Twenty-five percent to the department for programs for persons recovering from
21 substance use disorder including mental health services, to enable those persons to
22 avoid relapsing; and

23 C. Fifty percent to the department to provide treatment services for substance use
24 disorder pursuant to section 20043, including providing grants to community service
25 providers pursuant to section 20005.

26 Funds distributed for the purposes specified in this subsection are intended to supplement,
27 not supplant, funds appropriated for those purposes.

28 **4. Use of fund restricted; report.** Notwithstanding any other provision of law,
29 funding allocated by the Legislature from the fund to the Maine Center for Disease
30 Control and Prevention or the department for substance use disorder prevention and
31 treatment pursuant to subsection 3 is restricted solely to that use and may not be used for
32 other expenses of the Maine Center for Disease Control and Prevention or the
33 department. By January 15th of each year, the commissioner or the commissioner's
34 designee shall deliver a report of the budget, including the revenue received pursuant to
35 subsection 2, and expenditures for substance use disorder prevention and treatment to the
36 joint standing committees of the Legislature having jurisdiction over appropriations and
37 financial affairs and health and human services matters;

1 5. Unencumbered balances. Any unencumbered balance remaining at the end of
2 any fiscal year lapses to the fund and may not be made available for expenditure without
3 specific legislative approval.

4 **Sec. 2. 36 MRSA §1817, sub-§7,** as enacted by IB 2015, c. 5, §3, is amended to
5 read:

6 **7. Application of tax revenues.** ~~All sales tax revenue collected pursuant to this~~
7 ~~section must be deposited in the General Fund.~~ Sales tax revenue derived from the sale
8 of retail marijuana and retail marijuana products pursuant to this section may not be used
9 to directly fund any new state programs except ~~that this revenue may be appropriated to~~
10 ~~the Maine Criminal Justice Academy for the purpose of training law enforcement~~
11 ~~personnel on retail marijuana and retail marijuana products laws and rules.~~ Funds
12 ~~appropriated to the Maine Criminal Justice Academy pursuant to this subsection may be~~
13 ~~used only for the actual costs incurred to provide the necessary education and training of~~
14 ~~law enforcement personnel as provided in this subsection.~~

15 A. Ten percent of the revenue must be deposited by the State Controller in the Fund
16 for Substance Use Disorder Prevention, Treatment and Recovery established in Title
17 5, section 20010;

18 B. Revenue may be allocated to the Maine Criminal Justice Academy for the purpose
19 of training law enforcement personnel on retail marijuana and retail marijuana
20 products laws and rules. Funds appropriated to the Maine Criminal Justice Academy
21 pursuant to this subsection may be used only for the actual costs incurred to provide
22 the necessary education and training of law enforcement personnel; and

23 C. The balance, after the distributions pursuant to paragraphs A and B, must be
24 deposited in the General Fund.

25 **Sec. 3. Effective date.** This Act takes effect February 1, 2018.

26 SUMMARY

27 This bill establishes the Fund for Substance Use Disorder Prevention, Treatment and
28 Recovery and funds it by requiring 10% of the tax revenue from the retail sale of
29 marijuana and marijuana products to be deposited in the fund. The fund is used for
30 substance use disorder prevention, recovery and treatment programs administered by the
31 Department of Health and Human Services and the Maine Center for Disease Control and
32 Prevention. This bill specifies that the additional funding for existing programs for
33 substance use disorder, treatment and recovery is intended to supplement, not supplant,
34 funding appropriated for those purposes.