

# MAINE STATE LEGISLATURE

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Date: 3/22/2018 Majority

(Filing No. S- 411 )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 618, L.D. 1682, Bill, "An Act To Ensure the Quality of and Increase Access to Recovery Residences"

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

'Sec. 1. 5 MRSA §20001, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

**§20001. Title**

This chapter may be known and cited as the "Maine Substance Abuse Prevention and Treatment and Recovery Act."

Sec. 2. 5 MRSA §20002, sub-§1, as amended by PL 2007, c. 116, §1, is further amended to read:

1. **Integrated and comprehensive approach.** To adopt an integrated approach to the problem of alcohol and other drug abuse and to focus all the varied resources of the State on developing a comprehensive and effective range of alcohol and other drug abuse prevention and treatment and recovery activities and services;

Sec. 3. 5 MRSA §20002, sub-§2, as amended by PL 2011, c. 657, Pt. AA, §5, is further amended to read:

2. **Coordination of activities and services.** To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's alcohol and other drug abuse prevention and treatment and recovery activities and services;

Sec. 4. 5 MRSA §20003, sub-§17-A is enacted to read:

17-A. Person recovering from a substance use disorder. "Person recovering from a substance use disorder" means an alcoholic, a drug abuser, a drug addict or a drug-dependent person.

**COMMITTEE AMENDMENT**

R.O.F.S

1           **Sec. 5. 5 MRSA §20003, sub-§19-A** is enacted to read:

2           **19-A. Recovery residence.** "Recovery residence" means a shared living residence  
3 for persons recovering from a substance use disorder that is focused on peer support;  
4 provides to its residents an environment free of alcohol and illegal drugs; and assists its  
5 residents by connecting the residents to support services or resources in the community  
6 that are available to persons recovering from a substance use disorder.

7           **Sec. 6. 5 MRSA §20005, sub-§1**, as amended by PL 1991, c. 601, §6, is further  
8 amended to read:

9           **1. State Government.** Establish the overall plans, policies, objectives and priorities  
10 for all state alcohol and other drug abuse prevention ~~and~~ treatment and recovery  
11 functions, except the prevention of drug traffic and the State Employee Assistance  
12 Program established pursuant to Title 22, chapter 254-A;

13           **Sec. 7. 5 MRSA §20005, sub-§12**, as amended by PL 2011, c. 657, Pt. AA, §20,  
14 is further amended to read:

15           **12. Rules.** Adopt rules, in accordance with the Maine Administrative Procedure Act,  
16 necessary to carry out the purposes of this chapter and approve any rules adopted by state  
17 agencies for the purpose of implementing alcohol or drug abuse prevention ~~or~~ treatment  
18 or recovery programs.

19 All state agencies must comply with rules adopted by the department regarding uniform  
20 alcohol and other drug abuse contracting requirements, formats, schedules, data  
21 collection and reporting requirements;

22           **Sec. 8. 5 MRSA §20005, sub-§20**, as amended by PL 2005, c. 674, §1, is further  
23 amended to read:

24           **20. Review policies.** Review the full range of public policies and strategies existing  
25 in State Government to identify changes that would strengthen its response, identify  
26 policies that might discourage excessive consumption of alcohol and other drugs and  
27 generate new funding for alcohol and other drug services; ~~and~~

28           **Sec. 9. 5 MRSA §20005, sub-§21**, as enacted by PL 2005, c. 674, §2, is amended  
29 to read:

30           **21. List of banned performance-enhancing substances.** Develop and maintain a  
31 list of banned performance-enhancing substances in accordance with Title 20-A, section  
32 6621-; and

33           **Sec. 10. 5 MRSA §20005, sub-§22** is enacted to read:

34           **22. Certification of recovery residences.** Establish by rule criteria for the  
35 certification of recovery residences. The criteria for the certification of recovery  
36 residences must be based on criteria for recovery residences developed by a nationally  
37 recognized organization that supports persons recovering from a substance use disorder.  
38 Certification of a recovery residence pursuant to this subsection is voluntary. Rules  
39 adopted pursuant to this subsection are routine technical rules as defined in chapter 375,  
40 subchapter 2-A.

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**Sec. 11. 5 MRSA §20008, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §26, is further amended to read:

The department shall establish and provide for the implementation of a comprehensive and coordinated program of alcohol and drug abuse prevention ~~and~~ treatment and recovery in accordance with subchapters 2 and 3 and the purposes of this Act. The program must include the following elements.

**Sec. 12. 5 MRSA §20009, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §29, is further amended to read:

The department shall plan alcohol and drug abuse prevention ~~and~~ treatment and recovery activities in the State and prepare and submit to the Legislature the following documents:

**Sec. 13. 5 MRSA §20022, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §31, is further amended to read:

As part of its comprehensive prevention ~~and~~ treatment and recovery program, the department shall operate an information clearinghouse and oversee, support and coordinate a resource center within the Department of Education. The information clearinghouse and resource center constitute a comprehensive reference center of information related to the nature, prevention and treatment of and recovery from alcohol and other drug abuse. In fulfillment of the requirement of this section, the resource center may be located within the Department of Education and may operate there pursuant to a memorandum of agreement between the departments. Information must be available for use by the general public, political subdivisions, public and private nonprofit agencies and the State.

**Sec. 14. 5 MRSA §20041, sub-§1**, as amended by PL 2011, c. 657, Pt. AA, §34, is further amended to read:

**1. Data collection; sources.** The department shall collect data and use information from other sources to evaluate or provide for the evaluation of the impact, quality and value of alcohol and drug abuse prevention activities, treatment facilities, recovery services and other alcohol and other drug abuse programs.

**Sec. 15. 5 MRSA §20041, sub-§2**, as amended by PL 1991, c. 601, §20, is further amended to read:

**2. Content of evaluation.** Any evaluation of treatment facilities must include, but is not limited to, administrative adequacy and capacity, policies and treatment planning and delivery. Alcohol and drug abuse prevention ~~and~~ treatment and recovery services authorized by this Act and by the following federal laws and amendments that relate to drug abuse prevention must be evaluated:

- A. The Drug Abuse Office and Treatment Act of 1972, 21 United States Code, Section 1101 et seq. (1982);
- B. The Community Mental Health Centers Act, 42 United States Code, Section 2688 et seq. (1982);
- C. The Public Health Service Act, 42 United States Code, Section 1 et seq. (1982);

# COMMITTEE AMENDMENT

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1 D. The Vocational Rehabilitation Act, 29 United States Code, Section 701 et seq.  
2 (1982);

3 E. The Social Security Act, 42 United States Code, Section 301 et seq. (1982); and

4 F. The federal Comprehensive Alcohol Abuse and Alcoholism Prevention,  
5 Treatment and Rehabilitation Act of 1970, Public Law 91-616 (1982) and similar  
6 Acts.

7 **Sec. 16. 22-A MRSA §206, sub-§8**, as enacted by PL 2007, c. 539, Pt. N, §45, is  
8 amended to read:

9 **8. Substance abuse prevention, treatment and recovery.** The commissioner shall  
10 administer and carry out the purposes of the Maine Substance Abuse Prevention and  
11 Treatment and Recovery Act.

12 **Sec. 17. Rental subsidies for certified recovery residences.** The Maine State  
13 Housing Authority shall develop a pilot project to provide a short-term rental subsidy to a  
14 person recovering from a substance use disorder, as defined in the Maine Revised  
15 Statutes, Title 5, section 20003, subsection 17-A, to reside in a recovery residence  
16 certified pursuant to Title 5, section 20005, subsection 22. Rules adopted pursuant to this  
17 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 18. Maine Revised Statutes headnote amended; revision clause.** In  
19 the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance  
20 abuse prevention and treatment" are amended to read "substance abuse prevention,  
21 treatment and recovery" and the Revisor of Statutes shall implement this revision when  
22 updating, publishing or republishing the statutes.

23 **Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In  
24 the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words  
25 "substance abuse prevention and treatment" are amended to read "substance abuse  
26 prevention, treatment and recovery" and the Revisor of Statutes shall implement this  
27 revision when updating, publishing or republishing the statutes.

28 **Sec. 20. Appropriations and allocations.** The following appropriations and  
29 allocations are made.

30 **HOUSING AUTHORITY, MAINE STATE**

31 **Rental Subsidies for Certified Recovery Residences N277**

32 Initiative: Provides one-time funds for rental subsidies for certified recovery residences.

33	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
34	All Other	\$0	\$100,000
35			
36	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$100,000</b>
37			

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**SUMMARY**

This amendment, which is the majority report of the committee, adds definitions of "person recovering from a substance use disorder" and "recovery residence" and directs the Department of Health and Human Services to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from a substance use disorder to reside in a certified recovery residence.

It also adds recovery to substance abuse prevention and treatment in the context of activities and services under the laws addressing alcohol and drug abuse. It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 128th MAINE LEGISLATURE

LD 1682

LR 2521(02)

## An Act To Ensure the Quality of and Increase Access to Recovery Residences

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-411)  
 Committee: Health and Human Services  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$100,000	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$100,000	\$0	\$0

#### Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$100,000 in fiscal year 2018-19 to the Maine State Housing Authority to develop a pilot project to provide short-term rental subsidies for persons recovering from a substance use disorder to reside in a certified recovery residence.

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.