

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)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1030

H.P. 760

House of Representatives, February 28, 2019

An Act To Amend the Laws Governing the Substance Use Disorder Services Commission

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.

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

2 **Sec. 1. 5 MRSA §20065**, as amended by PL 2017, c. 407, Pt. A, §§41 to 43, is
3 further amended to read:

4 **§20065. Membership**

5 **1. Members; appointment.** The Substance Use Disorder Services Commission, as
6 established by section 12004-G, subsection 13-C, consists of ~~24~~ 18 members.

7 **2. Qualifications.** To be qualified to serve, members must have education, training,
8 experience, knowledge, expertise and interest in substance use disorder in the areas of
9 intervention, prevention, treatment and training recovery. Members must reflect
10 experiential diversity ~~and concern for substance use disorder prevention and treatment in~~
11 ~~the State. Members must have an unselfish and dedicated personal interest demonstrated~~
12 ~~by active participation in substance use disorder programs such as prevention, treatment,~~
13 ~~rehabilitation, training or research in substance use disorder~~ from across the State and
14 must have demonstrated active participation in issues related to substance use disorder.

15 **3. Members; representation.** The commission consists of the following members:

16 A. ~~One member~~ Two members of the Senate, appointed by the President of the
17 Senate, and ~~5~~ 2 members of the Legislature ~~who may be members of either the Senate~~
18 ~~or the House of Representatives, appointed by the President of the Senate if Senators~~
19 ~~or the Speaker of the House if members of the House of Representatives and 2 of~~
20 ~~these 5 at large members of the Legislature. Of the 2 members of the House of~~
21 Representatives, one must be ~~members~~ a member of the joint standing committee of
22 the Legislature having jurisdiction over health and human services matters and one
23 must be a member of the joint standing committee of the Legislature having
24 jurisdiction over criminal justice and public safety matters;

25 B. One physician or health care provider experienced in the treatment of substance
26 use disorder, appointed by the Governor;

27 C. One public school ~~superintendent~~ administrator who has experience with school-
28 based substance use disorder intervention, prevention and education programs,
29 appointed by the Governor;

30 D. One elementary school educator, appointed by the Governor;

31 E. One representative from nominations by a statewide ~~alliance for addiction~~
32 community-based recovery coalition, appointed by the Governor;

33 F. One ~~attorney~~ representative from the criminal justice system who represents
34 ~~clients or is~~ involved with the substance use disorder criminal justice system,
35 appointed by the Governor;

36 G. One educator involved in postsecondary substance use disorder intervention,
37 prevention, treatment and recovery education, appointed by the Governor;

38 H. One substance use disorder intervention practitioner, one substance use disorder
39 prevention practitioner, one substance use disorder ~~education~~ treatment practitioner

1 and one substance use disorder ~~treatment~~ recovery practitioner, appointed by the
2 Governor;

3 I. One private sector employer familiar with ~~substance use disorder~~ employee
4 assistance programs, appointed by the Governor; and

5 J. ~~Five~~ Three members of the public, appointed by the Governor. In appointing these
6 ~~5~~ 3 members, the Governor shall select members ~~from outstanding people in the~~
7 ~~following areas who are actively involved in the areas of:~~

8 ~~(1) Substance use disorder prevention;~~

9 ~~(2) Substance use disorder treatment;~~

10 ~~(3) Education;~~

11 ~~(4) Employers; and~~

12 ~~(5) Persons in recovery from substance use disorder for a minimum of 3 years.~~

13 ~~(6) Co-occurring disorder services;~~

14 ~~(7) Employment; and~~

15 ~~(8) Substance use disorder recovery.~~

16 **4. Term; vacancies.** Terms of appointment begin and expire on June 1st. A
17 vacancy in the commission does not affect the commission's powers, but must be filled in
18 ~~the same manner as the original appointment~~ accordance with this subsection.

19 A member appointed to fill a vacancy occurring before the expiration of the term for
20 which the member's predecessor was appointed may be appointed only for the remainder
21 of that term.

22 A. The terms of the ~~5~~ 3 public members appointed under subsection 3, paragraph J
23 are ~~staggered. Of the initial appointees under that paragraph, 2 are appointed for~~
24 ~~terms of 3 years, 2 for terms of 2 years and one for a term of one year. Thereafter, all~~
25 ~~appointments are~~ for terms of 3 years, except that a member appointed to fill a
26 vacancy in an unexpired term serves only for the remainder of that term. Members
27 hold office until the appointment and confirmation of their successors. A public
28 member may not be appointed for more than 2 consecutive, 3-year terms.

29 B. Members who are members of the Legislature and appointed by the President of
30 the Senate or the Speaker of the House of Representatives serve at the pleasure of the
31 appointing authority.

32 **5. Reappointment; termination.** Members may be appointed for 2 consecutive
33 terms only and may serve after the expiration of their terms until their successors have
34 been appointed and qualified and have taken office. The appointing authority may
35 terminate the appointment of a member for good and just cause and the appointing
36 authority shall communicate the reason for the termination to the member terminated.
37 The appointment of a member of the commission is terminated if a member is absent
38 from 3 consecutive meetings without a good and just cause that is communicated to the
39 chair of the commission.

1 **6. Officers.** The Governor shall designate one member to chair the commission.
2 The commission may elect other officers from its members as it considers appropriate.

3 **7. Subcommittees.** The commission may appoint from its membership
4 subcommittees relating to particular problem areas or other matters, provided that the
5 commission functions as an integrated committee.

6 **8. Administrative and financial assistance.** The department shall provide the
7 commission administrative or financial assistance that is available from department
8 resources.

9 **Sec. 2. 5 MRSA §20067, sub-§§3 and 4,** as amended by PL 2017, c. 407, Pt. A,
10 §44, are further amended to read:

11 **3. Serve as advocate; review and evaluate; inform the public.** The commission
12 shall serve as an advocate and resource for the State on substance use disorder
13 intervention, prevention, ~~promoting and assisting activities designed to meet the problems~~
14 ~~of substance use disorder at the national and state levels~~ treatment and recovery. The
15 commission shall promote and assess activities designed to meet and remediate
16 challenges of substance use disorder in the State. With the support of the department, the
17 commission shall review and evaluate on a continuing basis state and federal policies and
18 programs relating to substance use disorder ~~and other activities conducted or assisted by~~
19 ~~state departments or agencies that affect persons with substance use disorder or who use~~
20 ~~drugs~~. In cooperation with the department, the commission shall keep the public
21 informed by collecting and disseminating information, by conducting or commissioning
22 studies and publishing the results of those studies, by issuing publications and reports and
23 by providing public forums, including conferences and workshops.

24 **4. Report to the Legislature.** The commission shall report annually to the joint
25 standing committee of the Legislature having jurisdiction over health and human services
26 matters and the joint standing committee of the Legislature having jurisdiction over
27 appropriations and financial affairs on or before the last business day of each year. The
28 report must include developments and needs related to substance use disorder
29 intervention, prevention, ~~and significant policy matters relating to substance use disorder~~
30 treatment and recovery in the State.

31 **Sec. 3. Transition.** Notwithstanding the Maine Revised Statutes, Title 5, section
32 20065, subsection 3, paragraph J, public members of the Substance Use Disorder
33 Services Commission serving on the effective date of this Act may continue to serve for
34 the remainder of the terms for which they were appointed. When the term of a public
35 member expires, that member's successor is appointed in accordance with this Act.

36 **SUMMARY**

37 This bill revises the membership and duties of the Substance Use Disorder Services
38 Commission.