

MAINE STATE LEGISLATURE

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Date: 4-13-22

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MAJORITY
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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1496, L.D. 2008, "An Act To Establish a Court Process for Involuntary Substance Use Disorder Treatment"

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

'Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Committee To Study Court-ordered Treatment for Substance Use Disorder is needed to explore the legal issues and best medical practices and related issues concerning substance use disorder treatment that is involuntary or includes some form of leverage to ensure adherence to treatment; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study committee established. Resolved: That the Committee To Study Court-ordered Treatment for Substance Use Disorder, referred to in this resolve as "the study committee," is established.

Sec. 2. Study committee membership. Resolved: That, notwithstanding Joint Rule 353, the study committee consists of 16 members appointed as follows:

- 1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

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3 2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

4 3. One member appointed by the Governor;

5 4. One member representing hospitals, appointed by the President of the Senate;

6 5. One member representing substance use disorder treatment providers, appointed by
7 the Speaker of the House;

8 6. One member representing families affected by substance use disorder, appointed by
9 the President of the Senate;

10 7. One member with lived experience with substance use disorder, appointed by the
11 Speaker of the House;

12 8. One member representing primary health care providers, appointed by the President
13 of the Senate;

14 9. One member representing hospital emergency department providers, appointed by
15 the Speaker of the House;

16 10. One member representing an organization whose primary mission is the protection
17 of civil liberties, appointed by the President of the Senate;

18 11. One member representing a statewide organization representing physicians,
19 appointed by the Speaker of the House; and

20 12. One member representing the Judicial Department, appointed by the Chief Justice
21 of the Supreme Judicial Court.

22 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
23 and the first-named House of Representatives member is the House chair of the study
24 committee.

25 **Sec. 4. Appointments; convening of study committee. Resolved:** That all
26 appointments must be made no later than 30 days following the effective date of this
27 resolve. The appointing authorities shall notify the Executive Director of the Legislative
28 Council once all appointments have been completed. After appointment of all members,
29 the chairs shall call and convene the first meeting of the study committee. If 30 days or
30 more after the effective date of this resolve a majority of but not all appointments have
31 been made, the chairs may request authority and the Legislative Council may grant
32 authority for the study committee to meet and conduct its business.

33 **Sec. 5. Duties. Resolved:** That the study committee shall:

34 1. Review services and processes currently available in this State for persons with
35 substance use disorder;

36 2. Review options offered in other jurisdictions for persons with substance use
37 disorder, including but not limited to judicial orders for involuntary treatment as well as
38 other treatment options that include some form of leverage to ensure adherence to
39 treatment, and review outcomes;

40 3. Review the constitutional and other rights of persons with substance use disorder
41 and how other jurisdictions protect those rights; and

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4. Develop recommendations for treatment options for persons with substance use disorder, including implementation plans.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the study committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than November 2, 2022, the study committee shall submit a report that includes a summary of its activities and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary for presentation to the First Regular Session of the 131st Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill with a resolve. The amendment establishes the 16-member Committee To Study Court-ordered Treatment for Substance Use Disorder. The study committee is directed to explore the legal issues and best medical practices and related issues concerning substance use disorder treatment that is involuntary or includes some form of leverage to ensure adherence to treatment. The study committee shall submit a report that includes a summary of its activities and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary for presentation to the First Regular Session of the 131st Legislature.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 2008

LR 2589(02)

An Act To Establish a Court Process for Involuntary Substance Use Disorder Treatment

Fiscal Note for Bill as Amended by Committee Amendment A (H-1003)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,500 in fiscal year 2021-22 and \$1,750 in fiscal year 2022-23. The Legislature's budget for the 2022-2023 biennium includes an estimated \$6,108 in fiscal year 2022 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$31,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.