

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
  
**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2016**

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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
2015

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**CHAPTER 378**  
**S.P. 599 - L.D. 1537**

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

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

**Whereas,** opiate abuse and heroin use have been steadily increasing in Maine and are reaching epidemic proportions; and

**Whereas,** a comprehensive approach that embraces initiatives focused on law enforcement, prevention, treatment and recovery is immediately necessary; 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 enacted by the People of the State of Maine as follows:**

**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 fi-

nancial 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.

**PUBLIC SAFETY, DEPARTMENT OF  
Drug Enforcement Agency 0388**

Initiative: Provides ongoing funding for 10 investigative agents.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,230,000
GENERAL FUND TOTAL		\$0 \$1,230,000

**PART B**

**Sec. B-1. Law enforcement and county jail initiatives regarding treatment, recovery and support services.** The Commissioner of Public Safety, after receiving advice from the Maine Sheriffs' Association and the Maine Chiefs of Police Association, shall administer grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the State to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services. Grant applications must include statements of purpose and measurable goals for the projects and use for the funds. Grant recipients shall report to the Commissioner of Public Safety annually on the anniversary date of the grant award regarding the status of the projects, a description of how the funds were spent, the results of the projects and use of the funds and any recommendations for modification of the projects, including any available information concerning their effectiveness in reducing drug use and recidivism. The Commissioner of Public Safety shall provide a report summarizing the results of the grant program and providing recommendations as to its con-

tinuation or modification and any need for additional funding by January 15, 2017 and January 15, 2018 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters.

**Sec. B-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 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

**Sec. B-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 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. B-4. Appropriations and allocations.** The following appropriations and allocations are made.

#### **PUBLIC SAFETY, DEPARTMENT OF**

##### **Administration - Public Safety 0088**

Initiative: Provides funds for grants to local law enforcement entities and county jails for the establishment of projects designed to facilitate pathways to treatment, recovery and support services through law enforcement initiatives.

<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$50,000	\$50,000
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<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

### **PART C**

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

1. The substance abuse treatment entity must:

A. Be located in a northern or eastern area of the State with high rates of opioid use and accessible to related services and supports;

B. Specialize in treating substance abuse and mental health disorders; and

C. Have an established history of providing substance abuse treatment and running residential programs in the region.

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

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

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

**Sec. C-3. 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 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

**Sec. C-4. 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 remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purposes.

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

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

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

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

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

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

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

<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$0	\$700,000

GENERAL FUND TOTAL	\$0	\$700,000
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)</b>		
<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
GENERAL FUND	\$200,000	\$700,000
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$200,000</b>	<b>\$700,000</b>

### PART D

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

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

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

**Sec. D-3. 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 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

**Sec. D-4. 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 remaining at the end of each fiscal year may not lapse

but must be carried forward to be used for the same purposes.

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

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

### HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

#### Office of Substance Abuse and Mental Health Services 0679

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

<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$200,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$200,000</b>	<b>\$500,000</b>

### PART E

**Sec. E-1. 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 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

**Sec. E-2. 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 remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purposes.

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

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY BDS)****Office of Substance Abuse and Mental Health  
Services 0679**

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

GENERAL FUND	2015-16	2016-17
All Other	\$200,000	\$400,000
GENERAL FUND TOTAL	\$200,000	\$400,000

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

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

GENERAL FUND	2015-16	2016-17
All Other	\$75,000	\$125,000
GENERAL FUND TOTAL	\$75,000	\$125,000

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

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$275,000	\$525,000
DEPARTMENT TOTAL - ALL FUNDS	\$275,000	\$525,000

**PART F**

**Sec. F-1. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer to the unappropriated surplus of the General Fund \$725,000 no later than June 30, 2016 and \$1,775,000 no later than June 30, 2017 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

**PART G**

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

**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	\$0	\$0

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

Effective January 19, 2016.

**CHAPTER 379****H.P. 1013 - L.D. 1490****An Act Regarding the Maine  
Arts Commission**

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

**Sec. 1. 27 MRSA §405**, as amended by PL 2013, c. 181, §1, is further amended to read:

**§405. Hearings; contracts**

The Maine Arts Commission is authorized and empowered to hold public and private hearings; to enter into contracts, within the limit of funds available, with individuals or organizations; and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish and administer an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the commission's mission; to make and sign any agreements; and to do and perform any acts that are necessary to carry out the purposes of this chapter. ~~Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds.~~ As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or