

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 4. Effective date. This Act takes effect January 1, 2020.

Effective January 1, 2020.

CHAPTER 432

H.P. 760 - L.D. 1030

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

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

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

§20065. Membership

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

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

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

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

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

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

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

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

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

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

H. One substance use disorder intervention practitioner, one substance use disorder prevention practitioner, one substance use disorder education treatment practitioner and one substance use disorder treatment recovery practitioner, appointed by the Governor;

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

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

- ~~(1) Substance use disorder prevention;~~
- ~~(2) Substance use disorder treatment;~~
- ~~(3) Education;~~
- ~~(4) Employers; and~~
- ~~(5) Persons in recovery from substance use disorder for a minimum of 3 years.~~
- (6) Co-occurring disorder services;
- (7) Employment; and
- (8) Substance use disorder recovery.

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

A member appointed to fill a vacancy occurring before the expiration of the term for which the member's pre-

decessor was appointed may be appointed only for the remainder of that term.

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

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

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

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

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

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

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

3. Serve as advocate; review and evaluate; inform the public. The commission shall serve as an advocate and resource for the State on substance use disorder intervention, prevention, promoting and assisting activities designed to meet the problems of substance use disorder at the national and state levels treatment and recovery. The commission shall promote and assess activities designed to meet and remediate challenges of substance use disorder in the State.

With the support of the department, the commission shall review and evaluate on a continuing basis state and federal policies and programs relating to substance use disorder ~~and other activities conducted or assisted by state departments or agencies that affect persons with substance use disorder or who use drugs.~~ In cooperation with the department, the commission shall keep the public informed by collecting and disseminating information, by conducting or commissioning studies and publishing the results of those studies, by issuing publications and reports and by providing public forums, including conferences and workshops. The commission, based on its activities pursuant to this subsection, shall make recommendations relating to substance use disorder to the department and the Governor.

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

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

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

STATEWIDE ACTIVITIES

Legislature 0081

Initiative: Deappropriates funds as a result of reducing the number of legislative members on the Substance Use Disorder Services Commission from 6 to 4.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$550)	(\$550)
All Other	(\$1,680)	(\$1,680)
GENERAL FUND TOTAL	(\$2,230)	(\$2,230)

See title page for effective date.