

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. S-)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 599, L.D. 1537, Bill, “An Act To Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery”

Amend the bill by striking out all of Part A and Part B and inserting the following:

'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 financial 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.

COMMITTEE AMENDMENT

1 **PUBLIC SAFETY, DEPARTMENT OF**
 2 **Drug Enforcement Agency 0388**
 3 Initiative: Provides ongoing funding for 10 investigative agents.

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$0	\$1,230,000
6			
7	GENERAL FUND TOTAL	\$0	\$1,230,000

8 **PART B**

9 **Sec. B-1. Law enforcement and county jail initiatives regarding**
 10 **treatment, recovery and support services.** The Commissioner of Public Safety,
 11 after receiving advice from the Maine Sheriffs’ Association and the Maine Chiefs of
 12 Police Association, shall administer grants to local law enforcement agencies and county
 13 jails located in geographically diverse communities throughout the State to fund projects
 14 designed solely to facilitate pathways to community-based treatment, recovery and
 15 support services. Grant applications must include statements of purpose and measurable
 16 goals for the projects and use for the funds. Grant recipients shall report to the
 17 Commissioner of Public Safety annually on the anniversary date of the grant award
 18 regarding the status of the projects, a description of how the funds were spent, the results
 19 of the projects and use of the funds and any recommendations for modification of the
 20 projects, including any available information concerning their effectiveness in reducing
 21 drug use and recidivism. The Commissioner of Public Safety shall provide a report
 22 summarizing the results of the grant program and providing recommendations as to its
 23 continuation or modification and any need for additional funding by January 15, 2017 and
 24 January 15, 2018 to the joint standing committee of the Legislature having jurisdiction
 25 over criminal justice and public safety matters and the joint standing committee of the
 26 Legislature having jurisdiction over judiciary matters.

27 **Sec. B-2. Funds may not be transferred.** Notwithstanding the Maine Revised
 28 Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part
 29 may not be transferred to any other appropriation or subdivision of an appropriation made
 30 by the Legislature.

31 **Sec. B-3. Funds may not lapse.** Notwithstanding the Maine Revised Statutes,
 32 Title 5, section 1589 or any other provision of law, any unencumbered balance of
 33 appropriations contained in this Part remaining at the end of fiscal year 2015-16 may not
 34 lapse but must be carried forward to be used for the same purposes.

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

37 **PUBLIC SAFETY, DEPARTMENT OF**
 38 **Administration - Public Safety 0088**

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

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$50,000	\$50,000
6			
7	GENERAL FUND TOTAL	<u>\$50,000</u>	<u>\$50,000</u>
8			

9 Amend the bill in Part C by striking out all of sections 1 and 2 and inserting the
10 following:

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

- 17 1. The substance abuse treatment entity must:
- 18 A. Be located in a northern or eastern area of the State with high rates of opioid use
19 and accessible to related services and supports;
- 20 B. Specialize in treating substance abuse and mental health disorders; and
- 21 C. Have an established history of providing substance abuse treatment and running
22 residential programs in the region.

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

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

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

31 Amend the bill in Part C by striking out all of sections 4 and 5 and inserting the
32 following:

33 **'Sec. C-4. Funds may not lapse.** Notwithstanding the Maine Revised Statutes,
34 Title 5, section 1589 or any other provision of law, any unencumbered balance of
35 appropriations contained in this Part remaining at the end of fiscal year 2015-16 may not
36 lapse but must be carried forward to be used for the same purposes.

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

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

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

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

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$200,000	\$0
6			
7	GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$0</u>

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

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

11	GENERAL FUND	2015-16	2016-17
12	All Other	\$0	\$700,000
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$700,000</u>

15	HEALTH AND HUMAN SERVICES,		
16	DEPARTMENT OF (FORMERLY BDS)		
17	DEPARTMENT TOTALS	2015-16	2016-17
18			
19	GENERAL FUND	\$200,000	\$700,000
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$200,000</u>	<u>\$700,000</u>
22			

23 Amend the bill in Part D by striking out all of sections 1 and 2 and inserting the
24 following:

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

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

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

4 Amend the bill in Part D by striking out all of sections 4 and 5 and inserting the
5 following:

6 '**Sec. D-4. Funds may not lapse.** Notwithstanding the Maine Revised Statutes,
7 Title 5, section 1589 or any other provision of law, any unencumbered balance of
8 appropriations contained in this Part remaining at the end of fiscal year 2015-16 may not
9 lapse but must be carried forward to be used for the same purposes.

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

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

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

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

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

27	GENERAL FUND	2015-16	2016-17
28	All Other	\$200,000	\$500,000
29			
30	GENERAL FUND TOTAL	\$200,000	\$500,000

31
32 Amend the bill in Part E by striking out all of sections 2 and 3 and inserting the
33 following:

34 '**Sec. E-2. Funds may not lapse.** Notwithstanding the Maine Revised Statutes,
35 Title 5, section 1589 or any other provision of law, any unencumbered balance of
36 appropriations contained in this Part remaining at the end of fiscal year 2015-16 may not
37 lapse but must be carried forward to be used for the same purposes.

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

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

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

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

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$200,000	\$400,000
6			
7	GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$400,000</u>

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

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

11	GENERAL FUND	2015-16	2016-17
12	All Other	\$75,000	\$125,000
13			
14	GENERAL FUND TOTAL	<u>\$75,000</u>	<u>\$125,000</u>

15 **HEALTH AND HUMAN SERVICES,**
16 **DEPARTMENT OF (FORMERLY BDS)**
17 **DEPARTMENT TOTALS**

18		2015-16	2016-17
19	GENERAL FUND	\$275,000	\$525,000
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$275,000</u>	<u>\$525,000</u>
22			

23 Amend the bill in Part F by striking out all of section 1 and inserting the following:

24 **'Sec. F-1. Transfer of funds.** Notwithstanding any other provision of law, the
25 State Controller shall transfer to the unappropriated surplus of the General Fund \$725,000
26 no later than June 30, 2016 and \$1,775,000 no later than June 30, 2017 from the Fund for
27 a Healthy Maine.'

28 Amend the bill by adding after Part F the following:

29 **'PART G**

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

32 **JUDICIAL DEPARTMENT**

33 **Courts - Supreme, Superior and District 0063**

34 Initiative: Transfers funds from Personal Services to All Other to provide funding to
35 support increased criminal dockets, including an increase in criminal jury trials.

1	GENERAL FUND	2015-16	2016-17
2	Personal Services	(\$240,000)	\$0
3	All Other	\$240,000	\$0
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>
6			

7 **SUMMARY**

8 This amendment, which is the minority report of the committee, makes the following
 9 changes to the bill.

10 1. In Part A, it:

11 A. Adds the Joint Standing Committee on Criminal Justice and Public Safety to the
 12 entities to which periodic reports must be made by the Commissioner of Public
 13 Safety;

14 B. Adds funding provided by financial order 03451F16 to the unencumbered
 15 balances that may not be transferred;

16 C. Adds funding provided by financial order 03451F16 to the unencumbered
 17 balances that may not lapse and restricts the nonlapsing year to fiscal year 2015-16
 18 only;

19 D. Eliminates the appropriation for 10 investigative agents in fiscal year 2015-16 and
 20 reduces the appropriation in fiscal year 2016-17 from \$1,600,000 to \$1,230,000; and

21 E. Adds a section to transfer \$1,230,000 from the Gambling Control Board
 22 administrative expenses, Other Special Revenue Funds account to the unappropriated
 23 surplus of the General Fund on or before the close of fiscal year 2016-17.

24 2. In Part B, it:

25 A. Requires the Department of Public Safety, rather than the Attorney General, to
 26 administer the grants to local law enforcement agencies;

27 B. Requires consultation with the Maine Sheriffs' Association and the Maine Chiefs
 28 of Police Association and requires enhanced reporting; and

29 C. Limits to fiscal year 2015-16 the period for which funds provided by this Part
 30 may not lapse.

31 3. In Part C, it:

32 A. Changes the requirement for a new 10-bed detoxification center to a requirement
 33 for a new detoxification center with at least 10 beds;

34 B. Limits to fiscal year 2015-16 the period for which funds provided by this Part
 35 may not lapse; and

36 C. Changes the requirement that the center be in Bangor to a requirement that the
 37 center be in a northern or eastern area of the State with high rates of opioid use and
 38 accessible to related services and supports.

1 4. In Part C and Part D, it changes the reporting requirements so that the
2 Commissioner of Health and Human Services reports periodically to the Joint Standing
3 Committee on Health and Human Services rather than the Joint Standing Committee on
4 Appropriations and Financial Affairs.

5 5. In Part D, it:

6 A. Limits to fiscal year 2015-16 the period for which funds provided by this Part
7 may not lapse;

8 B. Removes the reference to the Maine Association of Substance Abuse Programs
9 and directs the Department of Health and Human Services to provide funding within
10 60 days after the effective date of the Part to an organization with expertise and
11 experience in substance abuse prevention, treatment and peer recovery services to
12 provide substance abuse services statewide;

13 C. Adds to the services to be provided a requirement that coordination services
14 include links to career services and a requirement that the organization develop and
15 maintain a directory of providers and resources that is publicly available; and

16 D. Requires that although funding may be sole-sourced for fiscal years 2015-16 and
17 2016-17, future awards must be awarded on a competitive basis. It requires the
18 Department of Health and Human Services to issue a request for proposals by
19 January 1, 2017 that is competitively bid through the regular process pursuant to the
20 Maine Revised Statutes, Title 5, chapter 155 for ongoing funding awards beginning
21 no later than July 1, 2017.

22 6. In Part E, it:

23 A. Limits to fiscal year 2015-16 the period for which funds provided by this Part
24 may not lapse; and

25 B. Adds individual, group and intensive outpatient treatment to the substance abuse
26 outpatient services for the uninsured for which a funding increase is provided.

27 7. In Part F, it changes the source of the transfer to the unappropriated surplus of the
28 General Fund from the funds received pursuant to the court order in State of Maine v.
29 McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC to the
30 Fund for a Healthy Maine.

31 8. It adds Part G, which transfers funds from Personal Services to All Other in the
32 Judicial Department, Courts - Supreme, Superior and District program, General Fund
33 account in fiscal year 2015-16 to provide funding to support increased criminal dockets,
34 including an increase in criminal jury trials.

35 **FISCAL NOTE REQUIRED**

36 **(See attached)**