

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 has been steadily increasing in Maine and is reaching epidemic proportions; and

Whereas, a comprehensive approach that embraces initiatives focused on law enforcement, 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,

Part A

Sec. A-1. Report. The Commissioner of Public Safety shall appear periodically before the ~~J~~oint ~~S~~tanding ~~C~~ommittee of the Legislature having jurisdiction over ~~on~~ 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 5 MRSA §1585 or any other provision of law, funding provided in this Part and any unencumbered funds transferred pursuant to financial order 0XXXXXF16 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 5 MRSA §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 0XXXXXF16 remaining at the end of ~~each~~ fiscal year 2015-16 may not lapse but must be carried forward to be used for the same purposes.

Sec. A-4. 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

All Other

	2015-16	2016-17
	\$800,000	\$1,600,000
		<u>\$1,230,000</u>

GENERAL FUND TOTAL

\$800,000

\$1,600,000

Sec. A-5. 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.

Part B

Sec. B-1. Law enforcement and county jail initiatives regarding treatment and recovery services. The Department of the Attorney General 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. The department shall provide a report by January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the status of the projects, including the cost-effectiveness of the projects, whether the projects resulted in reductions in drug use and recidivism, and recommendations for the modification of the projects.

Sec. B-2. Funds may not be transferred. Notwithstanding 5 MRSA §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 5 MRSA §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. B-4. Appropriations and allocations. The following appropriation and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF
Administration-Attorney General-- 0310**

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

GENERAL FUND

All Other

2015-16

\$50,000

2016-17

\$50,000

GENERAL FUND TOTAL

\$50,000

\$50,000

Part C

Sec. C-1. Detoxification center. The Department of Health and Human Services shall provide grants to a substance abuse treatment entity to develop and operate a ~~10-bed~~ 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 ~~the greater Bangor area~~ 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 ~~on Appropriations and Financial Affairs~~ Health and Human Services 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 ~~the greater Bangor area~~ a northern or eastern area of the State in accordance with this Part.

GENERAL FUND
All Other

2015-16
\$200,000

2016-17
\$0

GENERAL FUND TOTAL

\$200,000

\$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Office of Substance Abuse and Mental Health Services 0679

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

GENERAL FUND

2015-16

2016-17

All Other

\$0

\$700,000

GENERAL FUND TOTAL

\$0

\$700,000

PART D

Sec. D-1. Peer support recovery centers; education and coordination of services. The Department of Health and Human Services shall provide grant funds in an expedited manner in the amount of \$700,000 within 60 days to the Maine Association of Substance Abuse Programs to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to provide the following 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 linking individuals in recovery to career resources; and

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 on Appropriations and Financial Affairs 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 D-1, the Department of

Health and Human Services shall provide grant funds through a competitively bid Request for Proposals process pursuant to 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-5 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 ~~ongoing~~ expedited funding for ~~annual~~ grants 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 the Maine Association of Substance Abuse Programs for 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, and 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.

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

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
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

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

Part F

Sec. F-1. Transfer of funds. Notwithstanding any other provision of law, and June 30, 2016, 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 funds received pursuant to the court order in State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC, Kennebec County Superior Court Docket No. BCD-CV-14-49. The court order requires that the funds be used in the sole discretion of the Attorney General for purposes set forth in the order. The Attorney General had provided written confirmation to the President of the Senate and the Speaker of the House that the specified use of the funds to be transferred by this Part is consistent with the terms of the court order.

Emergency Clause (effective when approved)

Summary

The purpose of this bill is to address drug addiction by increasing the number of drug enforcement agents, and by increasing the availability of treatment and recovery programs.

1. Part A provides ongoing funding for 10 investigative agents in the Drug Enforcement Agency;
2. Part B directs the Department of the Attorney General to 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;

3. Part C directs the Department of Health and Human Services to provide grants to a substance abuse treatment entity to develop and operate a 10-bed social detoxification center located in the greater Bangor area;
4. Part D provides on-going funding for annual grants to the Maine Association of Substance Abuse Programs for the establishment and expansion of peer support recovery centers and the coordination and provision of substance abuse prevention and education in schools;
5. Part E provides funding to increase substance abuse residential treatment and substance abuse outpatient services for the uninsured; and
6. Part F transfers \$725,000 in fiscal year 2015-16 and \$1,775,000 in fiscal year 2016-17 from the funds received pursuant to the court order in State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC, Kennebec County Superior Court Docket No. BCD-CV-14-49, to the unappropriated surplus of the General Fund.

This amendment makes the following changes to LD 1537:

1. In Part A, it adds the Joint Standing Committee on Criminal Justice and Public Safety to the entities to which periodic reports shall be made by the Commissioner of Public Safety.
2. In Part A, it adds funding provided by financial order 0XXXXF16 to the unencumbered balances that may not be transferred.
3. In Part A, it adds funding provided by financial order 0XXXXF16 to the unencumbered balances that may not lapse and restricts the non-lapsing year to fiscal year 2015-16 only.
4. In Part A, it eliminates the appropriation for 10 investigative agents in fiscal year 2015-16 and reduces the appropriation in fiscal year 2016-17 from \$1,600,000 to \$1,230,000.
5. In Part A, it adds a section to transfer \$1,230,000 from the Gambling Control Board administrative expenses, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before the close of fiscal year 2016-17.
6. In Part C, it changes the requirement for a new 10 bed detoxification center to a center with at least 10 beds.
7. In Part C, it changes the requirement that the center be in Bangor to in northern or eastern Maine with high rates of opioid use and accessible to related services and supports.
8. It changes the reporting requirements in Part C and D so that the Commissioner of Health and Human Services reports periodically to the Joint Standing Committee on Health and Human Services rather than the Joint Standing Committee on Appropriations and Financial Affairs.
9. In Part D, it removes the reference to the Maine Association of Substance Abuse Programs and directs the Department of Health and Human Services to provide funding within 60 days to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to provide substance abuse services statewide.
10. In Part D, it requires the organization with expertise and experience to provide services statement. It adds to the services to be provided, a requirement for coordination services to include links to career services and requires that organization develop and maintain a directory of providers and resources that is publicly available.

11. In Part D, it requires that although funding may be sole-sourced for fiscal years 2015-16 and 2016-17, future awards must be awarded on a competitive basis. An RFP must be issued by January 1, 2017 that is competitively bid through the regular process pursuant to Title 5, chapter 155 for ongoing funding awards beginning no later than July 1, 2017.
12. In Part E, it adds individual, group and intensive outpatient treatment to the substance abuse outpatient services for the uninsured for which a funding increase is provided.
13. In Part F it adds language regarding the requirements of the court order from which the funds to be transferred originated and states that that the Attorney General has provided confirmation that the use of funds is consistent with the terms of the court order.

**The following issues were left open at the end of the work session on
Friday, January 8, 2016:**

1. In Part A, the financial order number must be identified and filled in by OFPR.
2. In Part B, the entity to administer the grants to law enforcement and county jail for initiatives regarding treatment and recovery services must be identified. Some possibilities identified in addition to Office of Attorney General (proposed) are the Department of Public Safety and the Department of Corrections. Staff of Senate President (bill sponsor) stated that the Office of the Attorney General was initially chosen because source of the funds to be used to offset the appropriation is the Part F transfer from the S&P settlement but that the Senate President would not object to a change in the administering entity.
3. In Part C, objection was raised to the term “grants” in describing the funding to be provided for to a substance abuse treatment entity to develop and operate a detoxification center. The AFA member wondered whether contract was a better term. The Office of the Revisor suggested that neither word (grant or contract) was necessary and that the language and blippies could be confined to just “providing funding”.

State of Maine

Chapter 110 - Rules For The Purchase Of Services and Awards
Section 1. DEFINITIONS

C. CONTRACT: Means the agreement between a vendor and the State of Maine, describing the service to be performed, the terms and conditions agreed to by the parties, the cost of the service and how payment will be made.

D. GRANT: Means an agreement between a group organization or other recipient and the state which describes terms and conditions and scope of performance or action which is expected of the recipient.

Federal Government

USE OF CONTRACTS

41 use 503. SEC. 4. Each executive agency shall use a type of procurement contract as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient—

(1) whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; or

(2) whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.

USE OF GRANT AGREEMENTS

41 use 504. SEC. 5. Each executive agency shall use a type of grant agreement as the legal instrument reflecting a relationship between the Federal Government

and a State or local government or other recipient whenever—

Transfers. (1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and

(2) no substantial involvement is anticipated between the executive agency, acting for the Federal Government, and the State or local government or other recipient during performance

4. In Part C, there was some discussion as to the geographic specification of the location of the new detoxification center and whether it should be specified that it be located in areas that “underserved” in terms of addiction services.
5. In Part D, the concern about the specification of “grants” was again raised.
6. In Part D, there was some concern about the types of services to be provided by the entity to be funded for peer support recovery centers etc. and whether those services would be better provided (or already provided) by the Department of Health and Human Services. Concern was also expressed that the distribution of funding among the services listed may not be optimal and that more specificity may be needed.