

## **129th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1030

H.P. 760

House of Representatives, February 28, 2019

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative PERRY of Calais.

1 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:

- 4 **§20065.** Membership
- 5 **1. Members; appointment.** The Substance Use Disorder Services Commission, as 6 established by section 12004-G, subsection 13-C, consists of 21 <u>18</u> members.

7 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 8 intervention, prevention, treatment and training recovery. 9 Members must reflect experiential diversity and concern for substance use disorder prevention and treatment in 10 the State. Members must have an unselfish and dedicated personal interest demonstrated 11 by active participation in substance use disorder programs such as prevention, treatment, 12 rehabilitation, training or research in substance use disorder from across the State and 13 14 must have demonstrated active participation in issues related to substance use disorder.

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

A. One member Two members of the Senate, appointed by the President of the 16 Senate, and 5 2 members of the Legislature who may be members of either the Senate 17 or the House of Representatives, appointed by the President of the Senate if Senators 18 or the Speaker of the House if members of the House of Representatives and 2 of 19 these 5 at-large members of the Legislature. Of the 2 members of the House of 20 Representatives, one must be members a member of the joint standing committee of 21 the Legislature having jurisdiction over health and human services matters and one 22 23 must be a member of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters; 24

- B. One physician <u>or health care provider</u> experienced in the treatment of substance
   use disorder, appointed by the Governor;
- C. One public school superintendent <u>administrator</u> who has experience with school based substance use disorder <u>intervention</u>, prevention and education programs,
   appointed by the Governor;
- 30 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 elients or is involved with the substance use disorder criminal justice system, appointed by the Governor;
- G. One educator involved in postsecondary substance use disorder <u>intervention</u>,
   prevention, treatment and recovery education, appointed by the Governor;
- H. One substance use disorder <u>intervention practitioner</u>, <u>one substance use disorder</u>
   prevention practitioner, <u>one substance use disorder education treatment</u> practitioner

- 1 and one substance use disorder treatment recovery practitioner, appointed by the 2 Governor;
- 3 I. One private sector employer familiar with substance use disorder employee 4 assistance programs, appointed by the Governor; and
- 5 J. Five Three members of the public, appointed by the Governor. In appointing these 6 5 <u>3</u> members, the Governor shall select members from outstanding people in the 7 following areas who are actively involved in the areas of:
- 8 (1) Substance use disorder prevention;
- 9 (2) Substance use disorder treatment;
- 10 (3) Education;
- 11 (4) Employers; and
- 12 (5) Persons in recovery from substance use disorder for a minimum of 3 years.
- 13 (6) Co-occurring disorder services;
- 14 <u>(7) Employment; and</u>
- 15 (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.

- 19 A member appointed to fill a vacancy occurring before the expiration of the term for 20 which the member's predecessor was appointed may be appointed only for the remainder 21 of that term.
- A. The terms of the 5 <u>3</u> public members appointed under subsection 3, paragraph J are staggered. Of the initial appointees under that paragraph, <u>2</u> are appointed for terms of <u>3</u> years, <u>2</u> for terms of <u>2</u> years and one for a term of one year. Thereafter, all appointments are for terms of <u>3</u> 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 <u>2</u> consecutive, <u>3</u>-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 32 terms only and may serve after the expiration of their terms until their successors have 33 been appointed and qualified and have taken office. The appointing authority may 34 terminate the appointment of a member for good and just cause and the appointing 35 36 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 37 from 3 consecutive meetings without a good and just cause that is communicated to the 38 chair of the commission. 39

- 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.
- 6 **8. Administrative and financial assistance.** The department shall provide the 7 commission administrative or financial assistance that is available from department 8 resources.
- 9 Sec. 2. 5 MRSA §20067, sub-§§3 and 4, as amended by PL 2017, c. 407, Pt. A,
  10 §44, are further amended to read:

3. Serve as advocate; review and evaluate; inform the public. The commission 11 shall serve as an advocate and resource for the State on substance use disorder 12 intervention, prevention, promoting and assisting activities designed to meet the problems 13 of substance use disorder at the national and state levels treatment and recovery. The 14 commission shall promote and assess activities designed to meet and remediate 15 challenges of substance use disorder in the State. With the support of the department, the 16 commission shall review and evaluate on a continuing basis state and federal policies and 17 programs relating to substance use disorder and other activities conducted or assisted by 18 state departments or agencies that affect persons with substance use disorder or who use 19 In cooperation with the department, the commission shall keep the public 20 drugs. informed by collecting and disseminating information, by conducting or commissioning 21 22 studies and publishing the results of those studies, by issuing publications and reports and by providing public forums, including conferences and workshops. 23

**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.

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## SUMMARY

This bill revises the membership and duties of the Substance Use Disorder ServicesCommission.