

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 472 - L.D. 1523

An Act To Ensure the Quality of and Increase Access to Recovery Residences**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 5 MRSA §20001, as amended by PL 2017, c. 407, Pt. A, §10, is further amended to read:

§20001. Title

This chapter may be known and cited as the "Maine Substance Use Disorder Prevention ~~and~~, Treatment and Recovery Act."

Sec. 2. 5 MRSA §20002, sub-§1, as amended by PL 2017, c. 407, Pt. A, §11, is further amended to read:

1. Integrated and comprehensive approach. To adopt an integrated approach to the problem of substance use disorder and to focus all the varied resources of the State on developing a comprehensive and effective range of substance use disorder prevention ~~and~~, treatment and recovery activities and services;

Sec. 3. 5 MRSA §20002, sub-§2, as amended by PL 2017, c. 407, Pt. A, §12, is further amended to read:

2. Coordination of activities and services. To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's substance use disorder prevention ~~and~~, treatment and recovery activities and services;

Sec. 4. 5 MRSA §20003, sub-§17-B is enacted to read:

17-B. Person recovering from substance use disorder. "Person recovering from substance use disorder" means a person with substance use disorder who is engaged in a process attempting to improve the person's health and wellness, live a self-directed life and reach the person's full potential.

Sec. 5. 5 MRSA §20003, sub-§19-A, as enacted by PL 2017, c. 460, Pt. G, §4, is amended to read:

19-A. Recovery support services. "Recovery support services" means services that recognize recovery is a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential, including, but not limited to, safe housing, transportation, peer mentoring and coaching and assistance with and access to employment services. "Recovery support services" may include services provided in an integrated medication-assisted treatment setting ~~or~~ in a separate facility that is staffed by individuals in recovery and that provides services such as mentoring, education and resource provision or in a recovery residence.

Sec. 6. 5 MRSA §20003, sub-§§19-C and 19-D are enacted to read:

19-C. Recovery. "Recovery," as it pertains to substance use disorder, means a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential.

19-D. Recovery residence. "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Sec. 7. 5 MRSA §20005, sub-§1, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

1. State Government. Establish the overall plans, policies, objectives and priorities for all state substance use disorder prevention ~~and~~ treatment and recovery functions, except the prevention of drug traffic and the State Employee Assistance Program established pursuant to Title 22, chapter 254-A;

Sec. 8. 5 MRSA §20005, sub-§5, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

5. Budget. Develop and submit to the Legislature by January 15th of the first year of each legislative biennium recommendations for continuing and supplemental allocations, deappropriations or reduced allocations and appropriations from all funding sources for all state substance use disorder programs. The department shall make final recommendations to the Governor before any substance use disorder funds are appropriated or deappropriated in the Governor's proposed budget. The department shall formulate all budgetary recommendations for the Driver Education and Evaluation Programs with the advice, consultation and full participation of the chief executive officer of the Driver Education and Evaluation Programs.

Notwithstanding any other provision of law, funding appropriated and allocated by the Legislature for the department for substance use disorder prevention ~~and~~ treatment and recovery is restricted solely to that use and may not be used for other expenses of the department. By January 15th of each year, the commissioner or the commissioner's

designee shall deliver a report of the budget and expenditures of the department for substance use disorder prevention ~~and~~, treatment and recovery to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and human resource matters;

Sec. 9. 5 MRSA §20005, sub-§12, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

12. Rules. Adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to carry out the purposes of this chapter and approve any rules adopted by state agencies for the purpose of implementing substance use disorder prevention ~~or~~, treatment and recovery programs.

All state agencies must comply with rules adopted by the department regarding uniform alcohol and other drug use contracting requirements, formats, schedules, data collection and reporting requirements;

Sec. 10. 5 MRSA §20005, sub-§20, as amended by PL 2005, c. 674, §1, is further amended to read:

20. Review policies. Review the full range of public policies and strategies existing in State Government to identify changes that would strengthen its response, identify policies that might discourage excessive consumption of alcohol and other drugs and generate new funding for alcohol and other drug services; ~~and~~

Sec. 11. 5 MRSA §20005, sub-§21, as enacted by PL 2005, c. 674, §2, is amended to read:

21. List of banned performance-enhancing substances. Develop and maintain a list of banned performance-enhancing substances in accordance with Title 20-A, section 6621-~~;~~ and

Sec. 12. 5 MRSA §20005, sub-§22 is enacted to read:

22. Certification of recovery residences. Establish by rule criteria for the certification of recovery residences. The criteria for the certification of recovery residences must be based on criteria for recovery residences developed by a nationally recognized organization that supports persons recovering from substance use disorder. Certification of a recovery residence pursuant to this subsection is voluntary. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 13. 5 MRSA §20006-A, sub-§1, as amended by PL 2017, c. 407, Pt. A, §28, is further amended to read:

1. Alternatives. Propose alternatives to current substance use disorder prevention ~~and~~, treatment and recovery programs and services;

Sec. 14. 5 MRSA §20006-A, sub-§2, as amended by PL 2017, c. 407, Pt. A, §29, is further amended to read:

2. Investigate. Conduct investigations and studies of any substance use disorder prevention, treatment and recovery program or community service provider operating under the control of the department or providing treatment under this chapter through a contract with the department under section 20008 that are licensed pursuant to section 20024 or any facility funded in whole or in part by municipal, state or local funds, as necessary; and

Sec. 15. 5 MRSA §20009, first ¶, as amended by PL 2017, c. 407, Pt. A, §32, is further amended to read:

The department shall plan substance use disorder prevention ~~and~~, treatment and recovery activities in the State and prepare and submit to the Legislature the following documents:

Sec. 16. 22 MRSA §3739, sub-§2, ¶G, as amended by PL 2017, c. 407, Pt. A, §79, is further amended to read:

G. One employee of the organizational unit of the department that provides programs and services for substance use disorder prevention ~~and~~, treatment and recovery, appointed by the commissioner;

Sec. 17. 22-A MRSA §203, sub-§1, ¶F, as amended by PL 2017, c. 407, Pt. A, §90, is further amended to read:

F. Substance use disorder prevention ~~and~~, treatment and recovery services.

Sec. 18. 22-A MRSA §206, sub-§8, as amended by PL 2017, c. 407, Pt. A, §91, is further amended to read:

8. Substance use disorder prevention, treatment and recovery. The commissioner shall administer and carry out the purposes of the Maine Substance Use Disorder Prevention ~~and~~, Treatment and Recovery Act.

Sec. 19. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 20. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 21. Rental subsidies for certified recovery residences. The Maine State Housing Authority shall develop a pilot project to provide a short-term rental subsidy for a person recovering from substance use disorder, as defined in the Maine Revised Statutes, Title 5, section 20003, subsection 17-B, to reside in a recovery residence, as defined in Title 5, section 20003, subsection 19-D, certified pursuant to Title 5, section

20005, subsection 22 and that allows medication-assisted treatment. The Maine State Housing Authority may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.