



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1701

H.P. 1253

House of Representatives, December 23, 2011

**Resolve, To Establish a Pilot Program in Penobscot County for
Assessment and Treatment of Individuals Arrested for Unlawful
Possession of Drugs**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STEVENS of Bangor.
Cosponsored by Senator FARNHAM of Penobscot and
Representatives: BLODGETT of Augusta, CUSHING of Hampden, DAMON of Bangor,
GOODE of Bangor, HASKELL of Portland, Senators: GERZOFKY of Cumberland,
MASON of Androscoggin, PLOWMAN of Penobscot.

1 **Sec. 1. Substance abuse and dependence assessment; pilot program.**

2 **Resolved:** That the Judicial Department and the Department of Corrections shall by July
3 20, 2012 jointly establish a one-year pilot program in Penobscot County in which an
4 individual who is arrested for unlawful possession of drugs, including scheduled drugs,
5 synthetic hallucinogenic drugs and prescription drugs not prescribed for the individual,
6 must be assessed for substance abuse and dependence. The departments may contract
7 with an independent entity for the performance of any portions of the pilot program. The
8 pilot program must contain the following components.

9 **1. Probation.** The Department of Corrections shall provide for the centralization of
10 the substance abuse assessment and monitoring process within the probation system for
11 individuals arrested for unlawful possession of drugs in Penobscot County. The pilot
12 program must provide a central point for the identification of individuals for whom an
13 assessment is required and serve as a liaison between the court and the agency providing
14 assessment services.

15 **2. Identification of substance abuse and dependence factors.** The pilot program
16 must provide for the assessment for substance abuse and dependence of all individuals
17 arrested in Penobscot County for unlawful possession of drugs. This assessment should
18 be a condition of bail with the cost of assessment to be paid by the defendant.

19 A. The assessment must be completed within 90 days after arrest. A copy of the full
20 assessment and a summary must be provided to the court.

21 B. The assessment must use standard screening and assessment tools and describe
22 the medical history and diagnosis of the individual and a prognosis for the individual
23 both with treatment and in the absence of treatment.

24 C. The assessment must consist of at least 4 assessment sessions and must include at
25 least 4 urine screenings to detect continued drug use.

26 D. The assessment must include recommendations for substance abuse and
27 dependence treatment and rehabilitation as necessary. Recommendations may
28 include abstinence, counseling, detoxification and other medical services and
29 residential rehabilitation.

30 E. The assessment must provide additional findings that identify the individual's
31 strengths and needs, the existing and available supports for the individual and factors
32 indicating the risk of subsequent substance abuse. The assessment must also include
33 a plan to ensure the individual's compliance with terms of sentencing or probation for
34 the purpose of promoting sobriety and making the transition to a healthier and more
35 productive life.

36 **3. Referral and treatment.** The pilot program must include a mechanism for
37 providing referrals to and monitoring of recommended treatment and services.

38 **4. Data collection; evaluation.** The pilot program must include the collection and
39 analysis of data regarding the assessment of and outcomes for individuals under the pilot
40 program. The Department of Corrections shall provide a report to the joint standing
41 committee of the Legislature having jurisdiction over criminal justice and public safety

1 matters by October 1, 2013 evaluating the pilot program and identifying at a minimum
2 the potential of a substance abuse assessment and monitoring program to improve
3 outcomes for individuals arrested for unlawful possession of drugs, to reduce recidivism
4 and to reduce costs for the judicial and correctional systems.

5

SUMMARY

6 This resolve requires the establishment by the Judicial Department and the
7 Department of Corrections of a one-year pilot program in Penobscot County for the
8 identification, assessment, treatment and monitoring of individuals arrested for unlawful
9 possession of drugs for the purpose of improving outcomes for individuals arrested for
10 unlawful possession of drugs, reducing recidivism and reducing costs for the judicial and
11 correctional systems.