

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 907

S.P. 315

In Senate, February 22, 2005

**An Act Authorizing a General Fund Bond Issue To Improve
Community Support Services for Persons with Mental Illness**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative FAIRCLOTH of Bangor and
Senators: BRENNAN of Cumberland, MAYO of Sagadahoc, MILLS of Somerset,
STRIMLING of Cumberland, Representatives: CRAVEN of Lewiston, LERMAN of Augusta,
PINGREE of North Haven.

2 **Preamble.** Two thirds of both Houses of the Legislature
4 deeming it necessary in accordance with the Constitution of
6 Maine, Article IX, Section 14 to authorize the issuance of bonds
8 on behalf of the State of Maine to provide funds as described in
10 this Act,

12 **Be it enacted by the People of the State of Maine as follows:**

14 **Sec. 1. Authorization of bonds.** The Treasurer of State is
16 authorized, under the direction of the Governor, to issue bonds
18 in the name and on behalf of the State in an amount not exceeding
20 \$15,000,000 for the purposes described in section 6 of this Act.
22 The bonds are a pledge of the full faith and credit of the
24 State. The bonds may not run for a period longer than 10 years
26 from the date of the original issue of the bonds. At the
28 discretion of the Treasurer of State, with the approval of the
30 Governor, any issuance of bonds may contain a call feature.

32 **Sec. 2. Records of bonds issued kept by Treasurer of State.** The
34 Treasurer of State shall keep an account of each bond showing the
36 number of the bond, the name of the successful bidder to whom
38 sold, the amount received for the bond, the date of sale and the
40 date when payable.

42 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The
44 Treasurer of State may negotiate the sale of the bonds by
46 direction of the Governor, but no bond may be loaned, pledged or
48 hypothecated on behalf of the State. The proceeds of the sale of
the bonds, which must be held by the Treasurer of State and paid
by the Treasurer of State upon warrants drawn by the State
Controller, are appropriated solely for the purposes set forth in
this Act. Any unencumbered balances remaining at the completion
of the project in this Act lapse to the debt service account
established for the retirement of these bonds.

36 **Sec. 4. Interest and debt retirement.** The Treasurer of State
38 shall pay interest due or accruing on any bonds issued under this
40 Act and all sums coming due for payment of bonds at maturity.

42 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
44 bonds must be expended as set out in this Act under the direction
46 and supervision of the Department of Health and Human Services.

48 **Sec. 6. Allocations from General Fund bond issue.** The proceeds
of the sale of the bonds authorized under this Act must be
expended as designated in the following schedule.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

2 Funds to establish an improved community support services program through
4 implementation of the Department of Health and Human Services' Adult
6 Mental Health Services Plan filed with the Kennebec Superior Court in Bates v.
8 Department of Health and Human Services on September 17, 2004. \$9,576,851

10 Funds for supervised living accommodations for persons with mental illness. \$5,423,149

12 **Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to
14 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

16 **Sec. 8. Appropriation balances at year-end.** At the end of each
18 fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been
20 expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

22 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized
24 but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are
26 deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period,
28 extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to
30 exceed 5 years.

32 **Sec. 10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act must be submitted
34 to the legal voters of the State at a statewide election held on the Tuesday following the first Monday of November following
36 passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and
38 plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of
40 this Act by voting on the following question:

42 "Do you favor a \$15,000,000 bond issue to establish an improved community support services program and to provide
44 supervised living accommodations for persons with mental illness?"

46 The legal voters of each city, town and plantation shall
48 vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below

2 the word "Yes" or "No." The ballots must be received, sorted,
4 counted and declared in open ward, town and plantation meetings
6 and returns made to the Secretary of State in the same manner as
8 votes for members of the Legislature. The Governor shall review
the returns and, if a majority of the legal votes are cast in
favor of this Act, the Governor shall proclaim the result without
delay, and this Act becomes effective 30 days after the date of
the proclamation.

10 The Secretary of State shall prepare and furnish to each
12 city, town and plantation all ballots, returns and copies of this
Act necessary to carry out the purposes of this referendum.

14

SUMMARY

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18 The funds provided by this bond issue, in the amount of
20 \$15,000,000, will be used to establish an improved community
22 support services program through implementation of the Department
of Health and Human Services' Adult Mental Health Services Plan
filed with the Kennebec Superior Court in Bates v. Department of
Health and Human Services on September 17, 2004 and to provide
supervised living accommodations for persons with mental illness.