

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-1024)
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 2068, L.D. 2238, Bill, "AN ACT Clarifying the Use of the Mental Health Improvement Fund."

Amend said Bill by striking out everything after the title and before the Statement of Fact and inserting in place thereof the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, as a result of a recent Attorney General's opinion, money in the Mental Health Improvement Fund heretofore available for purposes of mental retardation programs has been declared available for only mental health programs; and

Whereas, these moneys had been anticipated as the continuing support for certain mental retardation programs; and

Whereas, the Legislature had intended that this money should be used in part to support mental retardation programs; and

Whereas, the limitation on the use of this money may cause a need for additional appropriations; 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,

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

Sec. 1. 22 MRSA §3172-A is enacted to read:

§3172-A. Mental Health and Mental Retardation Improvement Fund

1. Fund. All moneys received by the Department of Mental Health and Corrections under section 3172, which are generated by services rendered at any of the mental health and mental retardation institutions operated by that department, shall be credited to a special revenue account in that department to be known as the Mental Health and Mental Retardation Program Improvement Fund, hereinafter referred to in this section as the "fund."

2. Transfer of cash receipts. No more than 50% of the total cash receipts in the fund in any fiscal year shall be transferred as needed to the Department of Human Services.

3. Use of moneys. All moneys transferred to the Department of Human Services shall be used to provide for services to aged, blind and disabled persons, pursuant to subtitle 3, part 1-A, mentally ill and mentally retarded persons, and to assist in funding the medical care program pursuant to section 3173. All moneys remaining in the fund shall be used by the Department of Mental Health and Corrections for the improvement of mental health and mental retardation programs. These programs shall include but not be limited to the following areas:

A. Community mental health centers;

B. Children's mental health services;

C. Mental health services in the area of corrections;

D. Residential services for severely emotionally dis-
turbed children;

E. Mental health services for the elderly;

F. Community mental retardation services;

G. Residential services for mentally retarded persons;

H. Community diagnostic and evaluation services for
mentally retarded persons; and

I. Institutional services for mentally ill and mentally
retarded persons.

4. Approval. Annually, prior to January 15th, the Depart-
ment of Mental Health and Corrections and the Department of Human
Services shall submit for the approval of the Legislature a plan
of proposed expenditures, including the areas specified in sub-
section 3, for the ensuing fiscal year of their respective shares
of the fund. Prior to the expenditure of any money from the fund,
the Legislature shall annually approve a plan for expenditures
and shall notify the Department of Mental Health and Corrections
and the Department of Human Services of the plan which has been
approved.

~~K~~---The departments may transfer up to 15% of the funds in any
area of the plan to another area with the approval of the Governor.

The departments shall submit detailed quarterly accounts of expenditures from their respective shares of the fund to the Legislative Finance Officer and the State Budget Officer.

Sec. 2. P.L. 1965, c. 503, §3, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except subsection 4 of section 1, which shall become effective January 1, 1977.

Statement of Fact

The purposes of this amendment include:

1. To incorporate into the Maine Revised Statutes (Title 22) a section which presently appears only in the Public Laws (P.L. 1965, c.503, §3);
2. To clarify the law by providing that sums in the Mental Health Program Improvement Fund can be used by the Department of Mental Health and Corrections for improving mental retardation programs as well as mental health programs;
3. To change the name of the Fund to the Mental Health and Mental Retardation Program Improvement Fund;
4. To further clarify the law so that sums transferred from the Mental Health and Mental Retardation Program Improvement Fund to the Department of Human Services can be used to provide social services and medical care for aged, blind and disabled persons, and mentally ill and mentally retarded persons;

5. To require that the use of all sums in or transferred from the Mental Health and Mental Retardation Program Improvement Fund be approved annually by the Legislature; and

6. To specify some of the areas in which the Legislature intends the money to be expended.

This amendment is based on the findings of the Committee on Health and Institutional Services, respect to H.P. 1724, a study of mental retardation services in Maine.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
3/23/76

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