

MAINE STATE LEGISLATURE

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(EMERGENCY)
(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1562

S. P. 500

In Senate, April 11, 1979

Referred to the Committee on Appropriations and Financial Affairs in concurrence.

Presented by Senator Najarian of Cumberland.

Cosponsor: Senator Gill of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable before July 1, 1979; and

Whereas, the Legislature authorized the allocation of funds in public law 1977, chapter 712, in order to provide for the necessary expenses for the operation and administration of the Mental Health and Mental Retardation Improvement Fund; and

Whereas, the Mental Health and Mental Retardation Improvement Fund is a special revenue account generated by reimbursement for services rendered in mental health and mental retardation institutions; and

Whereas, public law 1977, chapter 680 abolished this account effective in fiscal year 1980 by transferring funds generated to the General Fund and authorizing the Bureau of the Budget to consider those services as current services fundable by the General Fund; and

Whereas, reduction in the reimbursement rate for fiscal year 1979 makes it financially necessary for the State to accomplish this legislative intent; 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:

PART A

Appropriations from General Fund. In order to provide for necessary expenditures of State Government and other purposes for the fiscal year ending June 30, 1979, the following sum or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

1978-79

MENTAL HEALTH AND CORRECTIONS,
DEPARTMENT OF

Community Mental Health Services

All Other \$299,535

Provides funds for community mental health services, transitional living and day treatment services.

Children's Mental Health Services

All Other 318,200

Provides funds for children's placements and residential services.

Departmental Operations

All Other 13,200

Provides funds for advocacy, medicare premiums and other administrative expenditures.

Capital Construction

Capital Expenditures-Pineland Center 107,465

Provides funds for capital improvements at Pineland Center.

TOTAL
\$738,400

PART B

Sec. 1. 22 MRSA § 3172-B, sub-§ 4, as enacted by PL 1977, c. 680, § 2, is amended to read:

4. Budget. Those mental health and mental retardation programs receiving legislative approval for funding for fiscal year ~~1980~~ 1979 shall be considered current services by the Bureau of the Budget ~~when next preparing a budget.~~

Sec. 2. PL 1977, c. 680, § 3 is amended to read:

3. Effective date. Title 22, section 3172-B, ~~subsection~~ **subsections 1, 2 and 3** of this Act shall take effect July 1, ~~1980~~ 1979.

Sec. 3. Appropriations from General Fund. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1980 and June 30, 1981, the following sums as designated in the following tabulations are appropriated out of any moneys in the General Fund not otherwise appropriated.

	1979-80	1980-81
MENTAL HEALTH AND CORRECTIONS,		
DEPARTMENT OF		
Community Mental Retardation		
Positions	(74)	
Personal Services	\$1,003,789	
All Other	1,353,758	\$650,000
Capital Expenditures	12,109	

Provides funds to operate community mental retardation programs, including \$600,000 in fiscal year 1980 and \$650,000 in fiscal year 1981 to expand respite care, day activity, prevocational and training services as required in Apendix B of the Community Standards of the Pineland Consent Decree.

Pineland Center

All Other	210,217	
Provides funds for professional services, feeding system and dental clinic.		
Community Mental Health Services		
All Other	698,000	300,000
Provides funds to support community mental health programs and to continue the transitional living program.		
Departmental Operations		
Positions	(1)	
Personal Services	16,118	
All Other	107,282	
Provides funds for intake and therapeutic services, licensing evaluation, staff development and related expenses.		
Community Corrections		
Positions	(2)	
Personal Services	37,123	
All Other	126,342	
Provides funds for advocacy services and other community correctional programs.		
Maine State Prison		
All Other	23,000	
Provides funds for contracted psychiatric services.		
Maine Correctional Center		
All Other	8,800	
Provides funds for contracted psychological services.		
	TOTAL	950,000
	\$3,596,538	

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to provide supplemental funds for fiscal year 1979 for the mental health and mental retardation programs currently funded by the Mental Health and Mental Retardation Improvement Fund, as authorized by Public Law 1977, chapter 712 and to eliminate the Mental Health and Mental Retardation Improvement Fund effective July 1, 1979, as reflected in the emergency preamble.

The source of revenue to the Mental Health and Mental Retardation Improvement Fund is derived from 50% of the funds received for Title XIX reimbursement for intermediate care facility services as rendered by the department's institutions. Recent changes in the rate of reimbursement have caused a shortfall in revenues to the fund necessitating the need for additional funds to continue community programs in the current fiscal year.

This bill also abolishes the Mental Health and Mental Retardation Improvement Fund and provides that the department's share of the revenues will be deposited to the General Fund. Based on current revenue projections for fiscal year 1980, it appears that the department's share of revenue will offset the appropriations requested. An increase in the Title XIX revenue is anticipated based on the fact that additional beds will be certified for reimbursement at Pineland, an intermediate care facility-mental retardation plan will be filed to cover increased program costs, and a retroactive settlement will be received for fiscal year 1979.

This bill also provides funds to develop and expand respite care, day activity, prevocational and training programs necessary to satisfy the requirements established by the Community Standards of the Pineland Consent Decree.