

MAINE STATE LEGISLATURE

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R. of S.

L.D. 329

(Filing No. S-257)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 250, L.D. 329, Bill, "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 34-B MRSA §1204, sub-§5, as enacted by PL 1983, c. 459, §7, is amended to read:

5. Lease of unused buildings. The commissioner may, with the approval of the Director of Public-Improvements the Bureau of General Services, lease unused buildings at the state institutions for the purposes of providing services to departmental clients.

A. The leases ~~shall be for a period~~ may not to exceed one year.

~~B. The commissioner shall submit a plan of the proposed leases and their impact on the institutions and departmental clients to the joint standing committee having jurisdiction over health and institutional services no later than January 31st of each year.~~

This subsection applies to leases initially entered into prior to January 1, 1994 and to the renewal of those leases.

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Sec. 2. 34-B MRSA §1204, sub-§5-A is enacted to read:

5-A. Sale or lease of unused buildings and property.
Sales of unused buildings or property or leases initially entered
into on or after January 1, 1994 of buildings or property under
the jurisdiction of the department are governed by the following.

A. Notwithstanding Title 5, section 1742 and any other
state restriction, the commissioner may, with approval of
the Director of the Bureau of General Services, lease unused
buildings and property under the jurisdiction of the
department. All proceeds received from the lease of
buildings and property under this subsection must be
deposited into an interest-bearing special revenue account
and all interest earned must be credited to the account at
regular intervals. The commissioner may make expenditures
from this account in accordance with paragraph B.

B. Proceeds from the sale or lease of buildings and
property formerly used to provide services to people with
mental illness must be used to develop new community-based
facilities or transitional services for people with mental
illness. Proceeds from the sale or lease of buildings and
property formerly used to provide services to people with
mental retardation must be used to develop new
community-based facilities or transitional services for
people with mental retardation. The proceeds may not be
used to create permanent staff positions in state or private
agencies or to supplant current services.

C. The commissioner may investigate the potential sale of
unused buildings and property under the jurisdiction of the
department. If the commissioner finds it in the interest of
the State to sell a particular parcel, the commissioner
shall report that finding to the joint standing committee of
the Legislature having jurisdiction over human resources
matters, along with legislation authorizing the sale. The
commissioner may not sell property under this subsection
without approval of the Legislature. Proceeds received from
the sale of land initiated under this subsection must be
deposited into the account established pursuant to paragraph
A and used in accordance with paragraph B.

D. Annually by January 31st, the commissioner shall submit
a report to the joint standing committee of the Legislature
having jurisdiction over human resources matters and the
joint standing committee of the Legislature having
jurisdiction over appropriations and financial affairs. The
report must describe the sales and leases executed or
proposed under this section and the impact of those sales
and leases on people with mental illness and people with
mental retardation. The report must include the balance in

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the account created under this subsection and describe how
the department intends to use those funds.

FISCAL NOTE

The bill may reduce future General Fund undedicated revenues by dedicating the proceeds of any sale or lease activities related to mental health or mental retardation facilities and transitional services. The Department of Mental Health and Mental Retardation may experience an increase in Other Special Revenue due to the sale or lease of property. There may also be a potential future savings to the General Fund since this bill permits funds to be expended on new or expanded programs that have historically been funded by additional General Fund appropriations.

The additional costs to prepare the authorizing legislation can be absorbed by the Department of Mental Health and Mental Retardation utilizing existing budgeted resources.

The Department of Administrative and Financial Services, Bureau of General Services will incur some minor additional costs to approve the sale or lease of unused buildings and properties at state mental health and mental retardation facilities. These costs can be absorbed within the bureau's existing budgeted resources.

STATEMENT OF FACT

This amendment replaces the committee amendment. It prohibits the Commissioner of Mental Health and Mental Retardation from selling any property without express approval of the Legislature.

This amendment also adds a fiscal note to the bill.

(Senator BUSTIN)
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SENATE AMENDMENT