

MAINE STATE LEGISLATURE

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R. of S.

L.D. 329

(Filing No. H-389)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

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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"

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

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

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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.

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

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~~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.~~

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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:

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5-A. Sale or lease of unused buildings and property. Sales 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.

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2 A. Notwithstanding Title 5, section 1742 and any other
4 state restriction, the commissioner may, with approval of
6 the Director of the Bureau of General Services, sell or
8 lease unused buildings and property under the jurisdiction
10 of the department. All proceeds received from the sale or
12 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 is
authorized to make expenditures from this account in
accordance with the following.

14 (1) Proceeds from the sale or lease of buildings and
16 property formerly used to provide services to people
18 with mental illness must be used to develop new
20 community-based facilities or transitional services for
people with mental illness. The proceeds may not be
used to create permanent staff positions in state or
private agencies.

22 (2) Proceeds from the sale or lease of buildings and
24 property formerly used to provide services to people
26 with mental retardation must be used to develop new
28 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.

30 (3) The department may not use the account to supplant
32 current services.

34 B. Annually by January 31st, the commissioner shall submit
36 a report to the joint standing committee of the Legislature
38 having jurisdiction over human resources matters and the
40 joint standing committee of the Legislature having
42 jurisdiction over appropriations and financial affairs. The
44 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 provide the balance in
the account created under this subsection and must describe
how the department intends to use those funds.

FISCAL NOTE

48 This bill may reduce future General Fund undedicated
50 revenues by dedicating the proceeds of any sale or lease
activities related to mental health or mental retardation

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2 facilities and transitional services. The Department of Mental
3 Health and Mental Retardation may experience an increase in Other
4 Special Revenue due to the sale or lease of property. There may
5 also be a potential future savings to the General Fund since this
6 bill permits funds to be expended on new or expanded programs
7 that have historically been funded by additional General Fund
8 appropriations.

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

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18 STATEMENT OF FACT

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20 This amendment replaces the original bill. It clarifies
21 that the bill affects people with mental illness and people with
22 mental retardation in the same way and clarifies what the
23 proceeds from the sale of property may be used for. It also
24 changes the effective date of the new provisions to January 1,
25 1994, since the bill is not an emergency measure.

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27 The amendment also adds a fiscal note to the bill.
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Reported by the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the
House
5/20/93 (Filing No. H-389)

COMMITTEE AMENDMENT