

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 329

H.P. 250

House of Representatives, February 4, 1993

**An Act Regarding Certain Property of the Department of Mental Health
and Mental Retardation.**

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FITZPATRICK of Durham.
Cosponsored by Representatives: BOWERS of Washington, BRENNAN of Portland,
CARROLL of Gray, FAIRCLOTH of Bangor, GEAN of Alfred, JOHNSON of South Portland,
MORRISON of Bangor, TOWNSEND of Portland.

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

2
4 **Sec. 1. 34-B MRSA §1204, sub-§5,** as enacted by PL 1983, c. 459, §7, is amended to read:

6 **5. Lease of unused buildings serving persons with mental**
7 **retardation.** The commissioner may, with the approval of the
8 Director of ~~Public-Improvements~~ the Bureau of General Services,
9 lease unused buildings at the state institutions for the purposes
10 of providing services to ~~departmental-clients~~ persons with mental
11 retardation.

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

14 B. The commissioner shall submit a plan of the proposed
15 leases and their impact on the institutions and departmental
16 clients to the joint standing committee having jurisdiction
17 over health and institutional services no later than January
18 31st of each year.

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

20 **5-A. Lease or sale of unused buildings and property serving**
21 **persons with mental illness.** Notwithstanding Title 5, section
22 1742 and any other state restriction, the commissioner may, with
23 approval of the Director of the Bureau of General Services, lease
24 or sell unused buildings and property at the state mental health
25 institutions. All proceeds received from the sale or lease of
26 property in accordance with this subsection must be deposited
27 into a separate fund to be used to plan and construct mental
28 health facilities and to fund transition services for persons
29 leaving institutional settings. These funds must be invested by
30 the Treasurer of State in accordance with applicable provisions
31 of law and all earnings on these funds must be credited to the
32 fund. The commissioner is authorized to make expenditures from
33 this fund for the purposes identified in this subsection.

34 The leases may not exceed one year.

35 The department is prohibited from proposing alternative uses of
36 this fund, including the transfer of funds to supplant current
37 services.

38 The commissioner shall submit a plan of leases and sales and the
39 impact of those leases and sales on the institutions and
40 departmental clients to the joint standing committee of the
41 Legislature having jurisdiction over health and institutional
42 services no later than January 31st of each year.

2 This subsection does not apply to any land sale or lease
4 initiated prior to July 1, 1993.

6 **STATEMENT OF FACT**

8 This bill allows the Department of Mental Health and Mental
10 Retardation to sell or lease surplus property at the mental
12 health facilities. The bill requires that all proceeds accrue to
14 an interest-bearing fund to support services to persons with
mental illness, including planning and construction of mental
health facilities and transition services.