

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

CHAPTER 757

AN ACT Clarifying the Use of the Mental Health Improvement Fund.

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 disturbed 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 Department 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 subsection 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.

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 department 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.

Sec. 3. Transitional provisions. Notwithstanding the provisions of Title 22, section 3172-A, subsection 4, the Department of Mental Health and Corrections and the Department of Human Services shall submit for the approval of the Legislature a plan for proposed expenditures required by Title 22, section 3172-A for fiscal year July 1, 1977 to June 30, 1978.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except Title 22, section 3172-A, subsection 4 of section 1 of this Act which shall become effective July 1, 1977.