

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(After Deadline)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1674**

S. P. 648

In Senate, May 28, 1981

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

On Motion of Senator Pierce of Kennebec Rules Suspended Read Twice and Passed to be Engrossed without reference to Committee. Sent down for concurrence and Ordered sent Forthwith.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsors: Senator Pierce of Kennebec, Representatives Tarbell of Bangor and Kelleher of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Amend the Maine Health and Higher Educational Facilities Authority Act.**

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

Whereas, the Certificate of Need Act authorizes the Department of Human Services to review only certain portions of a project, which may be financed under the Maine Health and Higher Educational Facilities Authority Act; and

Whereas, there are now pending before the authority applications for expansions by Maine hospitals; and

Whereas, limited review of the department may result in hospitals being unable to receive approval for financing under the Act; 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:

22 MRSA § 2061, sub-§ 2, as amended by PL 1979, c, 680, § 18, is further amended to read:

2. **Review.** Each project for a hospital or nursing home has been reviewed and approved ~~by the appropriate regional and state health planning agencies as organized under section 253, or to the extent required by the agency of the State which serves as the Designated Planning Agency of the State for purposes of in accordance with the provisions of section 1122 of the Federal Social Security Act, as amended, or by the Department to Human Services in accordance with the provisions of the Maine Certificate of Need Act of 1978, as amended;~~

**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 add a reference to the Certificate of Need Act to clarify the scope of review by the Department of Human Services of a project which may be financed through the Health Facilities Authority. Presently the department is authorized, under the Certificate of Need Law, to review only certain portions of a project which may be financed under the Maine Health and Higher Educational Facilities Authority Act. The department is not authorized to review all aspects of a project. This bill makes it clear that the Maine Health Facilities Authority need not obtain the department's approval of a portion of a project over which the department has no certificate of need review authority.

The bill also deletes the reference to regional and state health planning agencies which are no longer in existence.