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22 M.R.S.A. § 353
Health Facilities Information Board

DEPUTY ATTORNEY GENERAL



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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04403

October 17, 1978

To: Joseph Hochadel, Executive Department
From: Donald G. Alexander, Deputy Attorney General
Re: Health Facilities Information Disclosure Act

You have requested an opinion regarding the meaning of the words "affiliated with" as they are used in the Health Facilities Information Disclosure Act, 22 M.R.S.A. § 353(1)(D). In particular you are concerned as to whether individuals who are known as corporators of the Central Maine General Hospital are "affiliated with" that Hospital within the meaning of the Act.

The language of 22 M.R.S.A. § 353(1)(D) reads as follows:

¶D. Five public members shall be appointed as consumers of health care. Neither the public members nor their spouses or children shall, within the preceding twelve months, have been affiliated with, employed by, or have had any personal affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care.

Thus the answer to your question turns on the definitions given to the terms "affiliated with" and "corporator".

A corporator is defined by Black's Law Dictionary as "a member of a corporation aggregate." Webster's New World Dictionary gives an even simpler definition in defining a corporator as "a member of a corporation." Thus it would seem at the outset that the corporator, though his actual duties may be limited to a single annual meeting to nominate trustees, and though his responsibilities to the hospital are thus extremely minimal, is within the meaning of the law, a member of the hospital.

That being the case, a corporator would seem to be within the meaning of the term "affiliated with." Black's Law Dictionary defines affiliate as meaning "a condition of being united, being in a close connection, allied or attached as a member or branch. To receive on friendly terms; to associate with; to be intimate with; to sympathize with; to consort with; and to connect or associate one's self with." The word "affiliation" as defined by Black's Dictionary, "imports less than membership in an organization but more than sympathy." It includes an element of dependability upon which the organization can rely which though not equivalent to membership duty, rests upon course of conduct that could not be abruptly ended without giving at least reasonable cause for charge of breach of good faith." And Webster's New World Dictionary defines "affiliates" as "to take in a member or branch, or to connect or associate one's self with."

Construing the two definitions at once, we must decide that a corporator of a hospital is one who has had a "personal affiliation with [a] health care facility or institution," and therefore would not be eligible to be appointed as a consumer of health care to the Health Facilities Cost Review Board.

DONALD G. ALEXANDER
Deputy Attorney General

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