

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 1314

H. P. 906

House of Representatives, February 13, 1963

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Ross of Brownville.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT Providing for the New England Health Services and Facilities Compact.**

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**Preamble.** Whereas, the health of the people is supreme, and disease and disability do not recognize state borders; and

Whereas, demographic, technologic and socio-economic changes have had an impact on the quantity, type, availability and quality of health services; and

Whereas, the improvement of health services and facilities can best be accomplished through the cooperation of the New England states in the establishment of an interstate agency; now, therefore,

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

**R. S., c. 25-D, additional.** The Revised Statutes are amended by adding a new chapter 25-D, to read as follows:

**Chapter 25-D.**

**New England Health Services and Facilities Compact.**

**Sec. 1. Compact.** The Governor, on behalf of the State, is hereby authorized and directed to execute a compact, substantially in the following form, with any one or more of the states of Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont:

**NEW ENGLAND HEALTH SERVICES AND FACILITIES COMPACT**

**Article I.**

**Purpose.**

The purpose of the New England Health Services and Facilities Compact

shall be to provide the highest quality of health services and facilities through the establishment and maintenance of a coordinated program for the persons residing in the several states of New England, parties to the compact, with the aim of mutual assistance, planning for improvement of health services and facilities, transmitting new knowledge, and training and recruitment of health personnel.

## Article II.

### New England Board of Health Services and Facilities.

There is hereby created and established a New England Board of Health Services and Facilities, hereinafter known as the board, which shall be an agency of each state party to the compact. The board shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states. The board shall consist of 3 resident members from each compacting state, chosen in the manner and for the terms provided by law of the several states parties to this compact.

## Article III.

### When Operative.

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island or Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

## Article IV.

### Officers and Duties of Board.

The board shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge said officers. It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary, and at its pleasure remove or discharge such personnel. It shall adopt a seal and suitable bylaws and shall promulgate any and all rules and regulations which may be necessary for the conduct of its business. It may maintain an office or offices within the territory of the compacting states and may meet at any time or place. Meetings shall be held at least twice a year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the board imposing any obligation on any compacting state shall be binding unless a majority of the members from such compacting state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of health affecting only certain of the compacting states, the board may vote to authorize special meetings of the board members of such state. The board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the Governor and the Legislature of each compacting state setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting

states which may be necessary to carry out the intent and purpose of this compact. The board shall not pledge the credit of any compacting state without consent of the Legislature thereof given pursuant to the constitutional processes of said state. The board may meet any of its obligations in whole or in part with funds available to it under article VII, provided that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under article VII hereof, the board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same. Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts of the board. The board shall appoint a treasurer who may be a member of the board, and disbursements by the board shall be valid only when authorized by the board and when vouchers therefor have been signed by the executive secretary and countersigned by the treasurer. The executive secretary shall be custodian of the records of the board with authority to attest to and certify such records or copies thereof.

#### Article V.

##### Powers.

The board shall have the power to: Collect, correlate and evaluate data in the fields of its interest under this compact; to publish reports, bulletins and other documents making available the results of its research; and, in its discretion, to charge fees for said reports, bulletins and documents; enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with health institutions and agencies as may be required in the judgment of the board to provide adequate services and facilities in health fields covered by this compact. Each of the compacting states shall contribute funds to carry out the contracts of the board. Except in those instances where the board by specific action allocates funds available to it under article VII hereof, it shall be the policy of the board to enter into such contracts only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the board and in accordance with the laws of the compacting states.

#### Article VI.

##### Contribution of States.

Each state agrees that, when authorized by the legislature pursuant to the constitutional processes, it will from time to time make available to the board such funds as may be required for the expenses of the board as authorized under the terms of this compact. The contribution of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the bureau of the census of the United States of America; unless the board shall adopt another basis in making its recommendation for appropriation to the compacting states.

**Article VII.****Gifts, Grants, Etc.**

The board for the purposes of this compact is hereby empowered to receive grants, devises, gifts and bequests which the board may agree to accept and administer. The board shall administer property held in accordance with special trusts, grants and bequests and shall also administer grants and devises of land and gifts or bequests of personal property made to the board for special uses and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities.

**Article VIII.****Severability.**

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby, provided that if this compact is held to be contrary to the constitution in full force and effect as to all other compacting states.

**Article IX.****Withdrawal.**

This compact shall continue in force and remain binding upon a compacting state until the Legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until 2 years after notice thereof has been sent by the Governor of the state desiring to withdraw to the Governors of all other states then parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing hereunder prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the board.

Sec. 2. Compact operative in Maine. When the Governor shall have executed said compact on behalf of this State and shall have caused a verified copy to be filed with the Secretary of State, then said compact shall become operative and effective as between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents as between this and any other state executing said compact.

Sec. 3. Membership. Upon said compact becoming operative the Governor shall appoint the 3 resident members from Maine who shall serve in accordance with article II of said compact for terms of one, 2 and 3 years respectively, and until their successors are appointed and qualified. In the month of May in each

year, the Governor shall appoint one such resident member to hold office until the first day of June in the 3rd year after his appointment and until his successor is appointed and qualified, to succeed the member whose term shall next expire. Any vacancy in membership shall be filled by appointment for the remainder of the unexpired term. At all times one of such resident members shall be a representative of a non-profit or governmental agency or organization involved in the provision of health services; one such resident member shall be a person who at the time of his appointment by the Governor is a member of the Legislature; and one such resident member shall be a citizen representative of the general public. All members shall serve without compensation but shall be entitled to receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties.

Sec. 4. Appropriation. To carry out the purposes of this chapter, the Legislature shall annually appropriate such sum as it may deem necessary. The State Controller is hereby authorized and directed to draw his warrant for the payment of such sum or so much thereof as may be required from time to time, upon the receipt by him of properly authenticated vouchers.'