

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 1395**

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S. P. 459

In Senate, March 10, 1965

Received by unanimous consent. Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Girard of Androscoggin.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT to Authorize State Participation in Federally Aided Health Facilities Programs.**

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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 Federal Government, through P. L. 88-164, has made available assistance for construction of facilities for the mentally retarded and for community mental health centers, and through P. L. 88-443, has made available assistance for construction and modernization of hospitals and other medical facilities; and

Whereas, approximately \$1,500,000 in federal funds will be available for use under P. L. 88-443, and approximately \$300,000 will be available for use under P. L. 88-164, during the fiscal year ending June 30, 1965, only if certain organizational requisites are met immediately; and

Whereas, at present several facilities have applied for and are eligible for such federal grants; and

Whereas, the present and future welfare of our State is dependent upon new construction and modernization of hospital and other medical facilities, including mental retardation facilities and community mental health centers; and

Whereas, the following legislation is vitally necessary to assist in such new construction and modernization of hospital and other medical facilities, including mental retardation facilities and community mental health centers; 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. R. S., T. 22, §§ 1702, 1704, repealed.** Sections 1702 and 1704 of Title 22 of the Revised Statutes are repealed.

**Sec. 2. R. S., T. 22, § 1709, additional.** Title 22 of the Revised Statutes is amended by adding a new section 1709, to read as follows:

**§ 1709. State-wide plan; advisory council; duties**

Except where a single state agency is otherwise designated or established in accordance with any other state law, any state officer or state agency designated by the Governor for such purpose is authorized to be the sole agency of the State of Maine to establish and administer or supervise the administration of any state-wide plan for the construction, modernization, equipment, maintenance or operation of any facilities for the prevention of physical or mental illness or the provision of care, treatment, diagnosis, rehabilitation, training or related services, which plan is now, or may hereafter be, required as a condition to the eligibility for benefits under any federal law. Such officer or agency is also authorized to receive, administer and expend any funds that may be available under any federal law or from any other source, public or private, for such purposes.

The Governor shall appoint a state advisory council or councils with appropriate representatives, including such representatives as are required as a condition of eligibility for benefits under any federal law, to consult with such state officer or state agency in carrying out the purposes of this chapter.

Each council member shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and the term of office of the members first taking office shall expire, as designated at the time of appointment,  $\frac{1}{4}$  of the total number of members at the end of the first year,  $\frac{1}{4}$  at the end of the 2nd year,  $\frac{1}{4}$  at the end of the 3rd year and  $\frac{1}{4}$  at the end of the 4th year, after the date of appointment. The Governor shall designate the chairman of each such council. Council members, while serving on council business, shall receive no compensation but shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council or councils shall meet as frequently as the chairman thereof deems necessary but not less than once each year. Upon request of 4 or more members of a council, it shall be the duty of the chairman to call a meeting of such council.

Such state officer or state agency is authorized and empowered to comply with or do any and all other acts or things necessary or required to be done as a condition to receiving federal aid or grants with respect to the establishment, construction, modernization, maintenance, equipment or operation for all the people of the State of adequate facilities and services as specified in this section, including the authority:

1. **Inventory.** To provide for an inventory of existing facilities of a particular category or categories thereof, and to survey the need for additional facilities;
2. **Program.** To develop and administer a construction program or programs which, in conjunction with existing facilities, will afford adequate facilities to serve the people of the State;
3. **Administration.** To provide methods of administration, including personnel standards, on a merit basis, and to require reports, make investigations and prescribe regulations;
4. **Priority.** To provide for priority of projects or facilities;
5. **Hearing.** To provide to applicants an opportunity for a hearing before such state officer or state agency; and
6. **Standards.** To prescribe and require compliance with such standards of maintenance and operation applicable to such facilities as are reasonably necessary to protect the public health, welfare and safety.

There is authorized to be appropriated from the State Treasury such sums as may be necessary for the purpose of administering this section.'

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.