

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1306

H. P. 1027

House of Representatives, March 20, 1975

Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10. On Motion of Mr. Cooney of Sabattus referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Revise Certain Provisions of the Maine Health
Facilities Authority Act.**

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

Whereas, it is essential that hospitals within the State be provided with appropriate additional means to expand, enlarge and establish hospitals and other health care facilities; and

Whereas, certain actions of the Federal Government through legislation have modified the laws relating to health planning in the State of Maine; and

Whereas, these modifications in federal law have rendered inapplicable certain provisions of the Maine Health Facilities Authority Act; and

Whereas, financial assistance to hospitals by the Authority will not be possible after July 1, 1975 unless certain modifications are made in the enabling legislation of the Authority; 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22 MRSA § 2061, as last amended by PL 1973, c. 713, § 7, is repealed and the following enacted in place thereof:

§ 2061. Procedure before issuance of bonds

Notwithstanding any other provisions of this chapter, the authority is not empowered to undertake any project authorized by this chapter unless, prior to the issuance of any bonds or notes hereunder, the authority has determined that:

1. **Assistance.** Such project will enable or assist a hospital to fulfill its obligation to provide health care facilities;
2. **Review.** Such project has been reviewed and approved by the appropriate regional and state health planning agencies as organized under section 253, or by the agency of the State which serves as the Designated Planning Agency of the State for purposes of section 1122 of the Federal Social Security Act, as amended;
3. **Lease.** Such project will be leased to, or owned by, a hospital within the State; and
4. **Payment.** Adequate provision has been or will be made for the payment of such project and that under no circumstances will the State be obligated for the payment of such project, or for the payment of the principal of, or interest on, any obligations issued to finance such project.

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 Act is to revise certain provisions of the Maine Health Facilities Authority Act. Certain revisions are necessitated by enactment of the National Health Planning and Resources Development Act of 1974 (P.L. 93-641) which Act requires the establishment of a state health planning and development agency and certain health systems agencies. Once such agencies are in operation, the current "A" and "B" planning agencies will cease to exist. Thus it is necessary to modify the review provisions of the Maine Health Facilities Authority Act.