

MAINE STATE LEGISLATURE

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S-433

L.D. 2013

(Filing No. S-433)

STATE OF MAINE
SENATE
108TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " B " to S.P. 652, L.D. 2013, Bill, "AN ACT Relating to Certificate of Need."

Amend the Bill by inserting before the enacting clause the following:

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

Whereas, the National Health Planning Act of 1974 and its accompanying regulations require the State to implement a certificate of need program by July 1, 1978, or be subject to the loss of federal funds for health planning as well as other purposes; and

Whereas, this bill may not become effective until after July 1, 1978, if it is not enacted as an emergency; and

Whereas, the loss of federal funds might severely restrict the state's efforts in health planning; 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,'

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the following: 'Sec. 1.'

SENATE AMENDMENT "B " to S.P. 652, L.D. 2013

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Further amend the Bill in that part designated "§302." by inserting at the end the following:

'G. Provide for a certificate of need program which meets the requirements of the National Health Planning and Resources Development Act of 1974, Public Law 93-641 and its accompanying regulations.'

Further amend the Bill in the 4th line in subsection 1 of that part designated "§304." (same in L.D.) by inserting after the underlined word "include" the underlined words 'only the following'

Further amend the Bill in subsection 1 of that part designated "§307." by striking out all of the 2nd underlined sentence and inserting in its place the following:

~~κ~~ 'Public notice shall be given by publication in the Kennebec Journal and in a newspaper of general circulation in the area in which the proposed expenditure or other action will occur.'

Further amend the Bill by striking out all of that part designated "§311." and inserting in its place the following:

'§311. Remedy

Any person aggrieved by a final decision of the department made under the provisions of this Act shall be entitled to review

in accordance with Title 5, chapter 375, subchapter VII, of the Administrative Procedure Act. A decision of the department to issue a certificate of need or to deny an application for a certificate of need shall not be considered final until the department has taken final action on a request for reconsideration under section 310.'

Further amend the bill by striking out all of that part designated "§321." and inserting in its place the following:

'§321. Penalty

Whoever violates any provision of this chapter or any rule, rule or regulation established hereunder shall be subject to a civil penalty payable to the State of not more than \$5,000 to be recovered in a civil action.'

Further amend the Bill by inserting at the end before the Statement of Fact the following:

'Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

1978-79

HUMAN SERVICES, DEPARTMENT OF

All Other

\$60,000

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

Statement of Fact

The purposes of this amendment are to:

1. Clarify that the bill is intended to meet the requirements of PL 93-641 of the National Health Planning and Resources Development Act of 1974;
2. Make provisions relative to civil violations consistent with other states;
3. Provide an appropriation agreed upon by the committee but inadvertently left out;
4. Include a clearer statement of appeal provisions agreed upon by the committee;
5. Clarify that only the health services included in the bill would be subject to the certificate of need process; and
6. Correct an error to provide that public notice would be given in at least 2 newspapers.

(Snowe)

NAME:

COUNTY: Androscoggin

