

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1833**

S. P. 697

In Senate, January 18, 1980

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Amend the Provisions of the Maine Certificate of Need Act Governing  
the Issuance of an Emergency Certificate of Need.**

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

**Sec. 1. 22 MRSA § 308, sub-§ 2, as enacted by PL 1977, c. 687, § 1, is repealed and the following enacted in its place:**

**2. Waiver of other requirements. In order to expedite the review of an application submitted in response to an emergency situation, the department, after consultation with the Health Systems Agency, may:**

**A. Waive the requirement that an applicant shall file a letter of intent with the department no less than 60 days prior to the date on which an application is to be filed;**

**B. Limit the period within which the Health Systems Agency may comment on the completeness of an application to less than 10 working days from the date on which it was filed with the department; and**

**C. Establish a schedule for the review of an application which commences on a day other than the first day of an established review cycle and requires the Health Systems Agency to submit its recommendations and comments to the department in less than 70 days from the day on which the review period**

**commenced, provided that the Health Systems Agency shall be afforded no less than 2/3 of the time the department has allotted for the completion of its review.**

**Sec. 2. 22 MRSA § 308, sub-§ 3 is enacted to read:**

**3. Emergency defined. The department shall determine that an emergency situation exists whenever it finds that an applicant has demonstrated:**

- A. The necessity for immediate or temporary relief due to natural disaster, fire, unforeseen safety consideration or other circumstances;**
- B. The serious adverse effect of delay on the applicant and the community that would be occasioned by compliance with the regular requirements of this chapter and the rules and regulations promulgated by the department; and**
- C. The lack of substantial change in the facility or services which existed before the emergency situation.**

#### STATEMENT OF FACT

The purpose of this bill, which amends the Maine Certificate of Need Act, is to permit the Department of Human Services and Health Systems Agency, Inc., to complete their respective reviews of certain "emergency" certificate of need applications prior to the issuance of a certificate of need by the Commissioner of Human Services. The bill permits the Department of Human Services to make better informed decisions regarding the issuance of emergency certificates of need in a more timely and expedient manner.