

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 821**

S. P. 295

In Senate, February 12, 1981

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 Hichens of York.

Cosponsor: Representative MacBride of Presque Isle.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Preserve Philanthropic and Charitable Gifts to Hospitals.**

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

22 MRSA § 256 is enacted to read:

**§ 256. Philanthropic gifts**

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Income and gains from investment of unrestricted funds" means interest dividends, rents or other income on investments, including net gains or losses resulting from investment transactions.

B. "Term endowment" means funds available upon termination of restrictions.

C. "Unrestricted gifts" means all gifts, grants, contributions and bequests upon which there are no restrictions imposed by the donor.

D. "Unrestricted income from endowment funds" means income earned on investment of endowment funds which have no restrictions on income.

2. **Gifts not to be included as hospital resources.** Any other state law notwithstanding, any state agency or entity established pursuant to state law in

**carrying out its duties as set forth in that law shall not, in any computation involving such actions, consider the following as resources of a hospital: Restricted and unrestricted grants; gifts; contributions; bequests; fund principle and endowment balances; and all income therefrom.**

#### STATEMENT OF FACT

This bill would clarify existing state law, including the Health Facilities Information Disclosure Act and the Certificate of Need Act, to ensure that philanthropic gifts to hospitals are excluded from the resources of the hospital for purposes of the various budget reviews and evaluations under such laws. Connecticut and Massachusetts recently enacted similar laws.