

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 169, L.D. 194)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1150

8 H.P. 898

House of Representatives, March 14, 1983

9 Reported by Representative Pines from the Committee on Health and
10 Institutional Services and printed under Joint Rule 2.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Amend and Supplement Certain
19 Powers of Hospital Administrative
20 District No. 1.
21

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

24 Sec. 1. P&SL 1967, c. 58, §2, 6th ¶, first sen-
25 tence is amended to read:

26 Each member of the board of directors may be paid
27 \$8 a fee for each official meeting of the board that
28 he attends, and no director ~~shall~~ may be employed by
29 the hospital district.

30 Sec. 2. P&SL 1967, c. 58, §4-A is enacted to
31 read:

1 Sec. 4-A. Referendum on capital expenditures in
2 excess of certificate of need dollar threshold. When
3 the directors shall have authorized the filing of an
4 application for a certificate of need with respect to
5 a capital expenditure in excess of the dollar
6 threshold set forth in the Revised Statutes, Title
7 22, section 304-A, subsection 3, an attested copy of
8 the vote of the directors shall be forthwith filed
9 with the municipal officers of each of the towns
10 within the district and published in a newspaper hav-
11 ing a circulation in the district, not later than 10
12 days following the day on which the vote was adopted
13 by the directors, together with a statement indi-
14 cating that the vote will become effective, unless
15 before the expiration of 30 days from the date on
16 which a copy of the vote was first published, the
17 president or the secretary of the board of directors
18 shall have received a petition signed by at least 10%
19 of the residents in the district eligible to vote on
20 the date the directors' vote was adopted, requesting
21 that the question of whether the proposed application
22 should be filed by the district be submitted to the
23 voters of the district. The statement shall state
24 the name and address of the president and secretary
25 of the board of directors. A vote of the directors
26 authorizing the filing of a certificate of need
27 application under this Act shall not become effective
28 before the expiration of 30 days from the date upon
29 which the vote and statement are published. If
30 within that period, a petition, signed by at least
31 10% of the residents in the district eligible to vote
32 on the date that the filing of the certificate of
33 need application by the directors was adopted as
34 shown by the district's voting list, shall be filed
35 with the president or the secretary of the board of
36 directors, asking that the question of whether the
37 application proposed to be filed be submitted to the
38 voters of the district, the vote of the directors
39 shall be further suspended from becoming effective
40 and the directors shall immediately reconsider that
41 vote. If the vote is not rescinded by the directors,
42 the question of whether that application shall be
43 filed shall be submitted by the directors to the
44 voters of the district at a special meeting of the
45 qualified voters in the district to be held in the
46 district within 60 days of the receipt of the peti-
47 tion described in this section. The special meeting

1 shall be called and held as provided in section 10,
2 except that the notice shall set forth the vote of
3 the directors authorizing the filing of the certifi-
4 cate of need application, the approval or disapproval
5 of which is to be submitted to the voters of the dis-
6 trict, together with the proposed form of the ballot
7 to be used at that special meeting. At the special
8 meeting, a vote on the question of whether that
9 application shall be filed shall be voted on by bal-
10 lot, the form of which shall be substantially as fol-
11 lows.

12 OFFICIAL BALLOT

13 HOSPITAL ADMINISTRATIVE DISTRICT NO. 1

14 Shall Hospital Administrative District No. 1 file
15 a certificate of need application proposing a capital
16 expenditure not to exceed the amount of \$ _____,
17 for the following purposes, viz:

18 (Insert brief description of purpose of the
19 intended project and the expenditure of moneys
20 necessary to complete the project)?

21 If in favor of the application issue, make a
22 cross (X) or (✓) in this square.....Yes ☐

23 If opposed to the application issue, make a cross
24 (X) or (✓) in this square.....No ☐

25 If a majority of the qualified voters voting at
26 the meeting approve the filing of the certificate of
27 need application, the vote of the directors authoriz-
28 ing the filing shall become effective; if not so
29 approved, the vote shall be void. The voters quali-
30 fied to vote at the special meeting shall be deter-
31 mined by use of the district voting list.

32 Sec. 3. P&SL 1967, c. 58, §6, 2nd and 3rd sen-
33 tences from the end, as repealed and replaced by P&SL
34 1973, c. 201, §3, are amended to read:

35 Such temporary notes of the district may be issued
36 for a period of not more than ~~one year~~ 2 years and
37 any such temporary notes may be renewed from time to

1 time by the issue of other temporary notes, provided
2 that the period from the date of issue of the orig-
3 inal note to the date of maturity of the last renewal
4 thereof shall not be more than one year 2 years.
5 Notes in anticipation of revenue which are not paid
6 at the end of one year 2 years may be renewed for an
7 additional year and there shall be included in that
8 year's budget as an expenditure an amount sufficient
9 to pay said these notes, which amounts shall be
10 assessed and collected as provided in section 9.

11 STATEMENT OF FACT

12 Section 1 of the new draft is identical to
13 section 3 of the bill, and allows board members to be
14 paid more than \$8 for attendance at official board
15 meetings.

16 Section 2 of the new draft provides the oppor-
17 tunity for a referendum in any case where the hospi-
18 tal district directors propose to file a certificate
19 of need application involving a capital expenditure
20 in excess of the threshold for review set forth in
21 Title 22, section 304-A, subsection 3 of the Certifi-
22 cate of Need Act of 1978. The language utilized is
23 otherwise borrowed from Private and Special Law 1967,
24 chapter 58, section 4 of the Hospital Administrative
25 District No. 1's existing law calling for a refer-
26 endum opportunity in the case of any bond issue,
27 except that 30 days are allowed to gather signatures,
28 as opposed to 7 days in the section dealing with
29 bonds.

30 This language ensures voter scrutiny of any sig-
31 nificant capital expenditure, however financed, at an
32 early date before the filing of a certificate of need
33 application.

34 Section 3 of the new draft allows the district up
35 to 2 years, rather than the current one year, to pay
36 back notes issued in anticipation of revenues, sub-
37 ject to the limitation in existing law that the total
38 amount of these notes shall not exceed the amount of
39 revenues expected to be received within one year.

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