

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 323

6
7 S.P. 108

In Senate, January 31, 1985

8 Reference to the Committee on Human Resources suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Perkins of Hancock.

Cosponsored by Senator Bustin of Kennebec, Representative Carroll of
11 Gray and Representative Pines of Limestone.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Maine Certificate of Need
18 Act to Define More Clearly the Legal
19 Requirements for Ex Parte Contacts
20 During the Certificate of Need Process,
21 Consistent with of the Maine Administrative
22 Procedure Act.
23

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

26 22 MRSA §307, §2-B, ¶J, as enacted by PL 1981, c.
27 705, Pt. V, §25, is repealed and the following en-
28 acted in its place:

29 J. After a hearing commences, no appointed mem-
30 bers of the committee, or the department, may
31 communicate directly or indirectly in connection
32 with any contested issue of fact, law or proce-
33 cedure with any affected party, except upon notice
34 and opportunity for all affected parties to par-
35 ticipate.

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STATEMENT OF FACT

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This bill amends the definition of "ex parte contacts" as utilized in the Maine Certificate of Need Act to follow more closely the parallel provisions of the Maine Administrative Procedure Act. The current law has been a source of confusion to all affected parties.

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