

# MAINE STATE LEGISLATURE

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L.D. 572

(Filing No. H-402 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 214, L.D. 572, Bill, "AN ACT to Amend the Maine Certificate of Need Act to Require More Timely Decision Making on the Part of the Department of Human Services."

Amend the amendment in section 2 in that part designated "§310." by striking out all of the last underlined paragraph (page 3, lines 5 to 8 in amendment)

Further amend the amendment by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 22 MRSA §311, as enacted by PL 1977, c. 687, §1, is amended by adding at the end a new paragraph to read:

A decision by the department is not final where opportunity for reconsideration under section 310 exists with respect to matters involving new information or changes in circumstances. Where new information or changes in circumstances are not alleged, a person aggrieved by a decision of the department may, at its option, seek reconsideration under section 310 or may seek direct judicial review under this section.'

STATEMENT OF FACT

The purpose of this amendment is to make clear that persons aggrieved by a decision of the department have the option of proceeding directly to court without requesting reconsideration only where they do not intend to offer new information or attempt to

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1 demonstrate that there has been a change in the fac-  
2 tors or circumstances relied upon by the department  
3 in reaching its decision. This amendment is neces-  
4 sary to avoid the additional time and expense caused  
5 by the court remanding such cases to the department  
6 to consider such new information or, alternatively,  
7 to avoid having the court conduct original reviews of  
8 new information in place of the administrative agen-  
9 cy.

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Filed by Rep. Carroll of Gray  
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