

# MAINE STATE LEGISLATURE

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L.D. 572

(Filing No. S- 293 )

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE 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 Hu-  
man 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 amend-  
ment)

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

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

A decision by the department is not final where  
opportunity for reconsideration under section 310 ex-  
ists with respect to matters involving new informa-  
tion or changes in circumstances. Where new informa-  
tion 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 sec-  
tion.'

STATEMENT OF FACT

The purpose of this amendment is to make clear  
that persons aggrieved by a decision of the depart-  
ment 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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SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 214  
L.D. 572

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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4395061485

11 (Sen. Matthews)

12 NAME: *J. Matthews*

13 COUNTY: Kennebec

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(6/14/85) (Filing No. S-293)