

# MAINE STATE LEGISLATURE

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L.D. 848

(Filing No. H- 324 )

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

COMMITTEE AMENDMENT "**B**" to H.P. 577, L.D. 848,  
Bill, "AN ACT to Implement Recommendations of the  
Maine Health Care Finance Commission's Hospital Ad-  
visory Committee."

Amend the bill by striking out all of the title  
and inserting in its place the following:

'AN ACT Amending Certain Provisions of the Maine  
Health Care Finance Law.'

Further amend the bill by striking out everything  
after the enacting clause and inserting in its place  
the following:

'Sec. 1. 22 MRSA §396-D, sub-§5, ¶A, as enacted  
by PL 1983, c. 579, §10, is amended to read:

A. ~~It~~ Except as provided in paragraph C, in de-  
termining payment year financial requirements,  
the commission shall include an adjustment to re-  
flect any net increases or decreases in the  
hospital's costs resulting from projects approved  
in accordance with the Maine Certificate of Need  
Act and section 396-K. These adjustments may be  
made subsequent to the commencement of a fiscal  
year and shall take effect on the date that ex-  
penses associated with the project would be eli-  
gible for reimbursement under the Medicare pro-  
gram.

Sec. 2. 22 MRSA §396-D, sub-§5, ¶C is enacted to  
read:

C. In determining payment year financial re-  
quirements, if a project approved in accordance  
with the Maine Certificate of Need Act and sec-

COMMITTEE AMENDMENT "B" to H.P. 577, L.D. 848

1           tion 396-K subsequent to October 1, 1985, in-  
2           volves an activity specified in subsection 8, the  
3           commission may elect to determine an adjustment  
4           to reflect any net decrease resulting from that  
5           project in a manner consistent with its determi-  
6           nation of adjustments under subsection 8.

7           Sec. 3. 22 MRSA §396-E, sub-§1, ¶D, as enacted  
8           by PL 1983, c. 579, §10, is amended to read:

9           D. Donor restricted gifts, grants, devises or  
10          restricted income from investment thereof shall  
11          be considered available resources only to the ex-  
12          tent these funds are applied to the use for which  
13          they were donated, except that the purchase of  
14          movable equipment with any such funds in years  
15          following the completion of a hospital's base  
16          year shall not operate to reduce the allowance  
17          for facilities and equipment otherwise determined  
18          under section 396-D, subsection 3.'

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STATEMENT OF FACT

20          In the case of certain activities, such as a ter-  
21          mination of an unnecessary service or a merger, the  
22          Maine Health Care Finance Commission is given the  
23          discretion, under appropriate circumstances, not to  
24          reduce a hospital's financial requirements, if such  
25          activities are not subject to review under the Maine  
26          Certificate of Need Act. Sections 1 and 2 of this  
27          amendment permit the commission not to reduce finan-  
28          cial requirements even when these activities are sub-  
29          ject to certificate of need requirements.

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1           Section 3 modifies provisions governing applica-  
2           tion of restricted gift funds. This amendment allows  
3           the restricted gift offset to the annual allowance  
4           for facilities and equipment for the 2nd and subse-  
5           quent payment years to equal the amount offset in the  
6           first payment year.

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Reported by the Minority of the Committee on Human Resources  
Reproduced and distributed under the direction of the  
Clerk of the House

6/4/85

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