

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 1181, L.D. 1611)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1782

H.P. 1303 House of Representatives, June 9, 1987  
Reported by the Majority from the Committee on Human  
Resources and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored by Representative BOUTILIER of  
Lewiston. Cosponsored by Representative ROLDE of York,  
Speaker MARTIN of Eagle Lake and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Authorize Hospitals to Use Magnetic  
2 Resonance Imaging Devices Located in  
3 Private Physicians' Facilities.  
4

5 Emergency preamble. Whereas, Acts of the Legis-  
6 lature do not become effective until 90 days after  
7 adjournment unless enacted as emergencies; and

8 Whereas, a certificate of need waiver for use of  
9 existing magnetic resonance imaging machines by  
10 inpatients is necessary immediately for the health  
11 and safety of patients; and

12 Whereas, in the judgment of the Legislature,  
13 these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following  
2 legislation as immediately necessary for the preser-  
3 vation of the public peace, health and safety; now,  
4 therefore,

5 Be it enacted by the People of the State of Maine as  
6 follows:

7 **Sec. 1.** 22 MRSA §304-A, sub-§2, as enacted by PL  
8 1981, c. 705, Pt. V, §16, is amended to read:

9 **2. Acquisitions of major medical equipment.** The  
10 following acquisitions:

11 A. The acquisition by any person of major medi-  
12 cal equipment that will be owned by or located in  
13 a health care facility; or

14 B. The acquisition by any person of major medi-  
15 cal equipment not owned by or located in a health  
16 care facility if:

17 (1) The equipment will not be used to pro-  
18 vide services for inpatients of a hospital,  
19 but the person fails to file a written no-  
20 tice of intent to acquire the equipment at  
21 least 60 days prior to entering into a con-  
22 tract to acquire the equipment; or

23 (2) The department finds, within 30 busi-  
24 ness days after the date it receives a writ-  
25 ten notice of intent to acquire the equip-  
26 ment, that the equipment will be used to  
27 provide services for inpatients of a hospi-  
28 tal.

29 There shall be a waiver for the use of major medical  
30 equipment on a temporary basis as provided in section  
31 308, subsection 4. Magnetic resonance imaging ma-  
32 chines acquired on or before June 1, 1987, shall not  
33 be subject to review regardless of any other provi-  
34 sions of this Act and shall be authorized to provide  
35 inpatient services;

36 **Sec. 2. Effective date.** This Act is repealed on  
37 July 1, 1988.

