

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2053

H.P. 1503 House of Representatives, January 13, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

STATE OF MAINE

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

1 **AN ACT to Allow Greater Departmental Input**
2 **Under Certificate of Need Provisions.**
3

4 **Emergency preamble.** Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, certain health care facilities have
8 experienced unnecessary costs and delays through the

1 certificate of need process; and

2 Whereas, the health services provided by these
3 facilities should be available to Maine citizens
4 without delay; and

5 Whereas, in the judgment of the Legislature, these
6 facts create an emergency within the meaning of the
7 Constitution of Maine and require the following
8 legislation as immediately necessary for the
9 preservation of the public peace, health and safety;
10 now, therefore,

11 Be it enacted by the People of the State of Maine as
12 follows:

13 **Sec. 1.** 22 MRSA § 304-A, 2nd ¶, as amended by
14 PL 1985, c. 338, §1, is further amended to read:

15 Except as provided in section 304-E sections
16 304-D and 304-E, a certificate of need from the
17 department shall be required for:

18 **Sec. 2.** 22 MRSA § 304-E is enacted to read:

19 §304-E. Waiver of certificate of need review when
20 review is unnecessary and serves no public
21 purpose

22 1. Application for waiver. A health care
23 facility may apply for a waiver of the certificate of
24 need review requirements otherwise imposed by this
25 chapter. The department shall establish, by rule
26 promulgated in accordance with the Maine
27 Administrative Procedure Act, Title 5, chapter 375,
28 procedures for reviewing the waiver request.

29 2. Criteria for waiver. The department shall
30 waive the certificate of need review for any project
31 for which a request for waiver under subsection 1 has
32 been received in all cases where the waiver request
33 demonstrates that the certificate of need review is
34 unnecessary and would serve no public purpose.

1 .Emergency clause. In view of the emergency
2 cited in the preamble, this Act shall take effect when
3 approved.

4 STATEMENT OF FACT

5 This bill provides for the waiver of certificate
6 of need review by the Department of Human Services
7 when review by the department appears to be
8 unnecessary and does not serve public purpose.

9 Section 1 of the bill corrects a cross reference
10 to a repealed section and adds a cross reference to
11 the provisions of this bill.

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