

MAINE STATE LEGISLATURE

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L.D. 1799

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DATE: *April 4, 2002*

(Filing No. S-*573*)

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT *B* to COMMITTEE AMENDMENT "A" to S.P. 619, L.D. 1799, Bill, "An Act to Strengthen the Certificate of Need Law"

Amend the amendment in section 2 in that part designated "~~§331.~~" in the first line (page 9, line 41 in amendment) by inserting after the following: "review" the following: 'following changes in project'

Further amend the amendment in section 2 in that part designated "~~§331.~~" in subsection 2 in paragraph C in the last line (page 10, line 30 in amendment) by inserting after the following: "~~334~~" the following: '335'

Further amend the amendment by inserting after that part designated "~~§331.~~" the following:

'§332. Subsequent review following approval

When the commissioner approves an application unconditionally or subject to conditions pursuant to section 335, subsection 8, the commissioner may conduct a review to ensure compliance with any terms or conditions of the approval within 3 years after the approved activity is undertaken. In this review, the commissioner may hold a public hearing and may consider any significant changes in factors or circumstances relied upon by the commissioner in approving the application and significant and relevant information that either is new or was withheld by the applicant at the time of the process under section 335. If, upon review, the commissioner determines that any terms or conditions

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2 of the approval have not been met, the commissioner may take
enforcement action consistent with this Act.'

4 Further amend the amendment in section 2 in that part
designated "~~§332.~~" in subsection 1 in paragraph B in the 2nd line
6 (page 11, line 6 in amendment) by striking out the following:
"~~334~~" and inserting in its place the following: '335'

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10 Further amend the amendment in section 2 in that part
designated "~~§332.~~" in subsection 2 in paragraph A in the 3rd line
(page 11, line 21 in amendment) by striking out the following:
12 "~~334~~" and inserting in its place the following: '335'

14 Further amend the amendment in section 2 in that part
designated "~~§332.~~" in subsection 2 in paragraph A in the 4th line
16 (page 11, line 22 in amendment) by striking out the following:
"~~334~~" and inserting in its place the following: '335'

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20 Further amend the amendment in section 2 in that part
designated "~~§332.~~" in subsection 3 in the 4th line (page 11, line
36 in amendment) by striking out the following: "~~334~~" and
22 inserting in its place the following: '335'

24 Further amend the amendment in section 2 in that part
designated "~~§333.~~" in the 2nd line from the end (page 12, line 10
26 in amendment) by striking out the following: "~~332~~" and inserting
in its place the following: '333'

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30 Further amend the amendment in section 2 in that part
designated "~~§334.~~" in subsection 5 in paragraph D in the last
line (page 13, line 31 in amendment) by striking out the
32 following: "~~336~~" and inserting in its place the following: '337'

34 Further amend the amendment in section 2 in that part
designated "~~§334.~~" in subsection 7 in the first line (page 14,
36 line 12 in amendment) by striking out the following: "~~335~~" and
inserting in its place the following: '336'

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40 Further amend the amendment in section 2 in that part
designated "~~§335.~~" in the first line (page 16, line 14 in
amendment) by striking out the following: "~~334~~" and inserting in
42 its place the following: '335'

44 Further amend the amendment in section 2 in that part
designated "~~§335.~~" in subsection 3 in the 7th line (page 16, line
46 in amendment) by striking out the following: "~~334~~" and
inserting in its place the following: '335'

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50 Further amend the amendment in section 2 in that part
designated "~~§338.~~" in subsection 2 in paragraph B in the last

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line (page 20, line 29 in amendment) by striking out the
following: "336" and inserting in its place the following: '337'

Further amend the amendment in section 2 in that part
designated "§338." in subsection 4 in the 3rd line (page 20, line
46 in amendment) by striking out the following: "334" and
inserting in its place the following: '335'

Further amend the amendment in section 2 in that part
designated "§340." in subsection 1 in the 4th line (page 22, line
25 in amendment) by striking out the following: "339" and
inserting in its place the following: '340'

Further amend the amendment in section 2 in that part
designated "§340." in subsection 1 in the 2nd line from the end
(page 22, line 28 in amendment) by striking out the following:
"339" and inserting in its place the following: '340'

Further amend the amendment in section 2 in that part
designated "§342." in the first paragraph in the last line (page
23, line 15 in amendment) by inserting after the following:
"Act." the following: 'The annual report must include
information on all certificates of need granted and denied. With
regard to all certificates granted on a conditional basis, the
report must include a summary of information reported pursuant to
section 332 and any accompanying statements by the commissioner
or department staff submitted regarding the reports.'

Further amend the amendment in section 2 in that part
designated "§352." in subsection 2 in the 3rd line (page 26, line
1 in amendment) by striking out the following: "334" and
inserting in its place the following: '335'

Further amend the amendment in section 2 in that part
designated "§352." in subsection 2 in the 4th line (page 26, line
2 in amendment) by striking out the following: "335" and
inserting in its place the following: '336'

Further amend the amendment in section 2 by renumbering the
sections to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A" as follows:

1. It requires that, following the grant of a certificate of need conditional or unconditional approval, the Commissioner of Human Services conduct a subsequent review to ensure compliance with any terms or conditions imposed on the approval

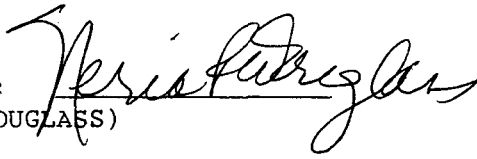
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and authorizes the commissioner to take enforcement action
consistent with the Maine Certificate of Need Act of 2002;

2. It corrects cross-references resulting from the
additional language proposed in this amendment; and

3. It requires the annual report of the Commissioner of
Human Services on certificates of need to include information on
certificates granted and denied and additional information on
those granted with conditions.

SPONSORED BY: 
(Senator DOUGLASS)

COUNTY: Androscoggin