

# MAINE STATE LEGISLATURE

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L.D. 1784

DATE: 4-3-06

(Filing No. S-548)

HEALTH AND HUMAN SERVICES

Reported by:

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STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 701, L.D. 1784, Bill, "An Act To Conform the Certificate of Need Law to Industry Standards"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Clarify Contingency Allowance under the Certificate of Need Law'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, capital projects that are already under construction will be affected by this legislation; and

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

Sec. 1. Maximum expenditure and contingency allowance. Resolved: That the Department of Health and Human Services shall revise or adopt rules as needed to provide for a contingency allowance for the project budget of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need under the Maine Revised Statutes, Title 22,

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 701, L.D. 1784

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chapter 103-A. A single contingency allowance must be provided for in all projects and the allowance may not be subject to an additional cap other than the applicable percentage. The department shall repeal the current cap of \$1,000,000; and be it further

**Sec. 2. Rules. Resolved:** That rules adopted pursuant to section 1 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

**SUMMARY**

This amendment changes the bill to a resolve and changes the title. The amendment directs the Department of Health and Human Services to revise or adopt rules as needed to provide for a contingency allowance of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need. The contingency allowance may not be subject to an additional cap other than the applicable percentage and the department shall repeal the current cap of \$1,000,000. It also defines these rules as routine technical rules.

**FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1784

LR2677(02)

**An Act To Conform the Certificate of Need Law to Industry Standards**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services resulting from this resolve can be absorbed by the department utilizing existing budgeted resources.