

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1784

S.P. 701

In Senate, December 30, 2005

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

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator ROSEN of Hancock.  
Cosponsored by Representative: LEWIN of Eliot.

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

4

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

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

14 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1. 22 MRSA §346, sub-§4** is enacted to read:

18 **4. Construction contingency budgeting.** The department  
shall allow reasonable construction contingency budgeting for  
20 capital projects within construction industry standards as  
acceptable expenditures in a certificate of need application.

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

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#### SUMMARY

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This bill requires the Department of Health and Human  
30 Services to allow construction contingency budgeting for capital  
projects that is consistent with industry standards in a  
32 certificate of need application.