

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1228

H.P. 870

House of Representatives, March 8, 2007

An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ROBINSON of Raymond.
Cosponsored by Senator: DIAMOND of Cumberland.

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

2 **Sec. 1. 34-A MRSA §1217** is enacted to read:

3 **§1217. Certificate of need for facility construction**

4 **1. Certificate of need.** The department shall issue a certificate of need, upon a
5 showing of need through an application from a county, for a new or expanded
6 correctional facility for that county. A county may not construct or expand a correctional
7 facility without a certificate of need under this subsection.

8 **2. Criteria.** The criteria that the department shall consider in determining whether
9 to issue a certificate of need includes:

10 A. Consolidation through economy of scale;

11 B. Medical service cost containment;

12 C. Validation of the revenue stream; and

13 D. Verification of specialization certification.

14 **3. Rules.** The department shall adopt major substantive rules pursuant to Title 5,
15 chapter 375, subchapter 2-A to carry out the purposes of this section.

16 **SUMMARY**

17 This bill requires that a county apply for a certificate of need from the Department of
18 Corrections before the county may construct or expand a correctional facility. The bill
19 lists the criteria that the Department of Corrections must consider before issuing a
20 certificate of need.