

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2152

S.P. 821

January 15, 2008

**An Act To Ensure Access to Necessary Health Care Services in
Maine by Repealing the Capital Investment Fund**

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Senator WESTON of Waldo, Representative TARDY of Newport.

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

2 **Sec. 1. 2 MRSA §101, sub-§1**, as amended by PL 2005, c. 369, §1 and c. 397, Pt.
3 C, §1 and affected by §2, is further amended to read:

4 **1. Duties of the Governor.** The Governor or the Governor's designee shall:

5 A. Develop and issue the biennial State Health Plan, referred to in this chapter as
6 "the plan," pursuant to section 103 by December 1, 2005 and every 2 years thereafter;

7 B. Make an annual report to the public assessing the progress toward meeting goals
8 of the plan and provide any needed updates to the plan; and

9 C. Issue an annual statewide health expenditure budget report that must serve as the
10 basis for establishing priorities within the plan; and.

11 ~~D. Establish a limit for allocating resources under the certificate of need program~~
12 ~~described in Title 22, chapter 103-A, called the capital investment fund, for each year~~
13 ~~of the plan pursuant to section 102.~~

14 The Governor shall provide the reports specified in paragraphs B and C to the joint
15 standing committee of the Legislature having jurisdiction over appropriations and
16 financial affairs, the joint standing committee of the Legislature having jurisdiction over
17 health and human services matters and the joint standing committee of the Legislature
18 having jurisdiction over insurance and financial services matters.

19 **Sec. 2. 2 MRSA §102**, as amended by PL 2007, c. 94, §1, is repealed.

20 **Sec. 3. 2 MRSA §103, sub-§3, ¶D**, as enacted by PL 2003, c. 469, Pt. B, §1, is
21 amended to read:

22 D. Prioritize the capital investment needs of the health care system in the State
23 ~~within the capital investment fund, established under section 102;~~

24 **Sec. 4. 2 MRSA §103, sub-§4**, as enacted by PL 2003, c. 469, Pt. B, §1, is
25 amended to read:

26 **4. Uses of plan.** The plan must ~~be used in determining the capital investment fund~~
27 ~~amount pursuant to section 102 and must~~ guide the issuance of certificates of need by the
28 State and the health care lending decisions of the Maine Health and Higher Education
29 Facilities Authority. A certificate of need or public financing that affects health care
30 costs may not be provided unless it meets goals and budgets explicitly outlined in the
31 plan.

32 **Sec. 5. 2 MRSA §104, sub-§7, ¶C**, as amended by PL 2007, c. 441, §1, is further
33 amended to read:

34 C. Conducting at least 2 public hearings on the plan ~~and the capital investment fund~~
35 each biennium;

36 **Sec. 6. 22 MRSA §328, sub-§3-A**, as enacted by PL 2003, c. 469, Pt. C, §2, is
37 repealed.

