

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 45

H.P. 39

House of Representatives, January 14, 2015

**An Act To Exempt Certain Capital Expenditures from the Maine
Certificate of Need Act of 2002**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MALABY of Hancock.
Cosponsored by Representatives: O'CONNOR of Berwick, SANDERSON of Chelsea,
SIROCKI of Scarborough, Senator: McCORMICK of Kennebec.

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

2 **Sec. 1. 22 MRSA §329, sub-§3**, as amended by PL 2011, c. 424, Pt. A, §4 and
3 affected by Pt. E, §1, is further amended to read:

4 **3. Capital expenditures.** Except as provided in subsection 6, the obligation by or
5 on behalf of a new or existing health care facility of any capital expenditure of
6 \$10,000,000 or more. Capital expenditures in the case of a natural disaster, major
7 accident or equipment failure or for replacement equipment that is not major medical
8 equipment as defined in section 328, subsection 16 or for parking lots and garages,
9 information and communications systems or physician office space or projects directed
10 solely at reducing energy costs through energy efficiency, renewable energy technology
11 or smart grid technology and that have been certified as likely to be cost-effective by the
12 Efficiency Maine Trust pursuant to Title 35-A, section 10122 do not require a certificate
13 of need. Capital expenditures that do not result in a net increase in MaineCare costs do
14 not require a certificate of need. Beginning January 1, 2013 and annually thereafter, the
15 threshold amount for review must be updated by the commissioner to reflect the change
16 in the United States Department of Labor, Bureau of Labor Statistics Consumer Price
17 Index medical care services index, with an effective date of January 1st each year;

18 **SUMMARY**

19 This bill provides that capital expenditures that result in no net increase in MaineCare
20 costs do not require a certificate of need.