

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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bonds. The resolution providing for the issuance of bonds, and any trust agreement securing the bonds, may contain such limitations upon the issuance of additional bonds as the board of directors may deem proper, and these additional bonds shall be issued under such restrictions and limitations as may be prescribed by that resolution or trust agreement. Prior to the preparation of definitive bonds, the board of directors may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when those bonds are executed and are available for delivery. The board of directors may provide for the replacement of any bond which is mutilated, destroyed or lost.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 13, 1985.

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## CHAPTER 338

H.P. 578 - L.D. 849

### AN ACT to Revise the Maine Certificate of Need Act for Hospitals.

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

Sec. 1. 22 MRSA §304-A, 2nd ¶, as enacted by PL 1981, c. 705, Pt. V, §16, is amended to read:

A Except as provided in section 304-C, a certificate of need from the department shall be required for:

Sec. 2. 22 MRSA §304-C is enacted to read:

§304-C. Waiver of certificate of need review for projects for which hospital does not seek positive adjustment to financial requirements established by Maine Health Care Finance Commission

1. Categories of projects eligible for waiver. A hospital may apply for a waiver of the certificate of need review requirements otherwise imposed by this chapter with respect to the following projects:

A. New health services involving no capital expenditure or a capital expenditure of less than \$300,000; and

B. Third year annual operating costs of at least the expenditure minimum for operating costs, but less than \$250,000.

2. Conditions of waiver. As a condition of receipt of a waiver of certificate of need review, the hospital shall not be subject to any adjustments to its financial requirements pursuant to section 396-D.

3. Waiver process. Any hospital may file a request for waiver with the department describing the proposed project and its projected associated capital costs and projected operating costs, as appropriate. Within 15 days following receipt of the hospital's waiver request and other information, if requested, the department shall issue its waiver determination.

The department shall waive certificate of need review in all cases where the request demonstrates that:

A. The project is within the categories of subsection 1; and

B. The hospital agrees to be bound by the conditions of subsection 2.

4. Treatment of project by the Maine Health Care Finance Commission. The total capital costs and operating costs associated with the project shall not be debited against the Certificate of Need Development Account pursuant to section 396-K.

Sec. 3. 22 MRSA §309, sub-§6, as enacted by PL 1983, c. 579, §9, is amended to read:

6. Hospital projects. Notwithstanding subsections 1, 4 and 5, the department may not issue a certificate of need for a project which is subject to the provisions of section 396-D, subsection 5, and section 396-K, if the associated costs exceed the amount which the commission has determined will have been credited to the Certificate of Need Development Account pursuant to section 396-K, after accounting for previously approved projects. A project shall not be denied solely on the basis of exceeding the amount remaining in the Certificate of Need Development Account in a particular payment year and shall be held for further consideration by the department in the first appropriate review cycle beginning after the

Certificate of Need Development Account is credited with additional amounts. For the purposes of this subsection, a project may be held for a final decision beyond the time frames set forth in section 307, subsections 3 and 4.

Effective September 19, 1985.

## CHAPTER 339

H.P. 577 - L.D. 848

AN ACT Amending Certain Provisions of the  
Maine Health Care Finance Law.

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

Sec. 1. 22 MRSA §396-D, sub-§5, ¶A, as enacted by PL 1983, c. 579, §10, is amended to read:

A. ~~In~~ Except as provided in paragraph C, in determining payment year financial requirements, the commission shall include an adjustment to reflect any net increases or decreases in the hospital's costs resulting from projects approved in accordance with the Maine Certificate of Need Act and section 396-K. These adjustments may be made subsequent to the commencement of a fiscal year and shall take effect on the date that expenses associated with the project would be eligible for reimbursement under the Medicare program.

Sec. 2. 22 MRSA §396-D, sub-§5, ¶C is enacted to read:

C. In determining payment year financial requirements, if a project approved in accordance with the Maine Certificate of Need Act and section 396-K subsequent to October 1, 1985, involves an activity specified in subsection 8, the commission may elect to determine an adjustment to reflect any net decrease resulting from that project in a manner consistent with its determination of adjustments under subsection 8.

Sec. 3. 22 MRSA §396-E, sub-§1, ¶D, as enacted by PL 1983, c. 579, §10, is amended to read: