

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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 Company**  
**Augusta, Maine**  
**1997**

extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**LEGISLATURE**

**Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities**

Personal Services	\$1,100
All Other	1,500

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

**LEGISLATURE**

<b>TOTAL</b>	\$2,600
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 12, 1997.

**CHAPTER 82**

**H.P. 734 - L.D. 998**

**Resolve, to Establish the Commission to Study the Certificate of Need Laws**

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

**Whereas,** a study of the State's certificate of need laws is necessary to enable the State to plan for changes in the delivery of health care; and

**Whereas,** at least 6 months are required for a study of the State's certificate of need laws to be completed in a thorough manner; and

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

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Certificate of Need Laws, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Membership. Resolved:** That the commission consists of 15 members appointed as follows:

A. Eight members appointed by the Governor as follows:

- (1) Three representatives of the Department of Human Services, one each from the Bureau of Elder and Adult Services, the Bureau of Medical Services and the Audit, Contracting and Licensing Service Center;
- (2) One member of the public;
- (3) One representative of the Maine Hospital Association, representing large hospitals;
- (4) One representative of the Maine Health Care Association;
- (5) One representative of a nonprofit hospital and medical service organization; and
- (6) One representative of physicians, representing members of the Maine Medical Association; and

B. Seven members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, as follows:

- (1) One representative of physicians, representing members of the Maine Osteopathic Association;
- (2) One member of the public;
- (3) Two Legislators, one representing the majority party and one representing the minority party;
- (4) One representative of the Maine Hospital Association, representing small hospitals;

- (5) One representative of a health insurer licensed under the Maine Revised Statutes, Title 24-A; and
- (6) One representative of the Home Care Alliance of Maine; and be it further

**Sec. 3. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 1, 1997. The commission shall select a chair from among its legislative members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the application of the State's certificate of need laws, their effectiveness in ensuring access to health care and in controlling costs, the need for modifications to address the changing health care system and alternative methods of meeting the goals of the laws. In examining these issues, the commission shall consult with the public, providers of health care and insurers and other 3rd-party payors; and be it further

**Sec. 5. Staff assistance. Resolved:** That the Department of Human Services shall provide staffing and clerical services as requested by the commission; and be it further

**Sec. 6. Reimbursement. Resolved:** That the commission members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Other members are not entitled to compensation or reimbursement of expenses; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Health and Human Services and to the Second Regular Session of the 118th Legislature by December 1, 1997; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

Personal Services	\$550
All Other	500
Provides funds for the per diem and expenses of the legislative members of the Commission to Study the Certificate of Need Laws.	

<b>LEGISLATURE</b>	_____
<b>TOTAL</b>	\$1,050

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

Effective June 12, 1997.

### CHAPTER 83

#### S.P. 519 - L.D. 1603

#### **Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource**

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

**Whereas,** a substantial percentage of Maine's citizens are Franco-American by heritage, and the language and the culture of Maine's Franco-Americans survives and is strong throughout the State, from Biddeford and Sanford in southern Maine, Lewiston and Waterville in central Maine to Madawaska, Fort Kent and the St. John Valley in the far North; and

**Whereas,** the people of Maine wish to encourage the development of the Franco-American resource to the benefit of all Maine citizens, and the Franco-American Center at the University of Maine at Orono has been a leading voice for the recognition of Maine's Franco-American heritage and the development of its Francophone resource; and

**Whereas,** the Maine business community has become increasingly active in efforts to stimulate trade between Maine and Quebec, through an effort known as "Co-Entreprise," a cooperative venture between Maine and Quebec businesses headed by the Maine Chamber and Business Alliance; and

**Whereas,** these efforts, in addition to many others, have provided Maine with the opportunity to establish the national headquarters of the American Association of the Forum Francophone Des Affaires,

**1997-98**

**LEGISLATURE**

**Commission to Study the Certificate of Need Laws**