

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

municipality may not have more than 2 trustees sitting on the board of trustees.

B. The Governor shall designate a commissioner of a department of State Government to be a voting, ex officio member of the board of trustees. The ex officio member designated pursuant to this paragraph may name a designee.

The ~~8 appointed~~ members appointed pursuant to paragraph A are subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic development matters and to confirmation by the Senate.

**Sec. 5. 5 MRSA §13083-C, sub-§§3, 4 and 7,** as enacted by PL 2001, c. 568, §1, are amended to read:

**3. Terms.** Trustees are appointed for 4-year terms, ~~except that, for initial appointments, one trustee is appointed to a one year term, 2 trustees to 2 year terms, 2 trustees to 3 year terms and 3 trustees to 4 year terms.~~ The commissioner designated pursuant to subsection 2, paragraph B, or that commissioner's designee, serves at the pleasure of the Governor. Trustees may be removed by the Governor. The board of trustees by majority vote may recommend trustee removal due to poor attendance at board meetings. A trustee continues to hold office until a successor is appointed and qualified, but the term of the successor is not altered from the original expiration date of that term. A person may not serve more than 2 consecutive 4-year terms as a trustee.

**4. Quorum.** ~~Five members~~ A majority of appointed and sworn trustees constitute constitutes a quorum. ~~Five affirmative votes are~~ A majority vote of those present and voting is required for the board of trustees to take action.

**7. Officers; temporary agents.** The trustees shall elect a chair and vice-chair from among ~~their members the trustees.~~ The authority may contract with technical experts and other temporary agents that it requires if the authority has available funds to reimburse such experts and agents for their services. The authority may employ an executive director, technical experts and other agents and employees, permanent and temporary, that it requires and may determine their qualifications, duties and compensation. For required legal services, the authority may retain its own legal counsel.

**Sec. 6. 5 MRSA §13083-D,** as enacted by PL 2001, c. 568, §1, is amended to read:

**§13083-D. Property of authority**

The authority may lease, sell or transfer property or interests in property ~~to a local development~~

~~corporation or other entity determined by the trustees to be eligible to take ownership and possession of the property or interests in property to accomplish the readjustment or reuse of the facilities owned by the authority. A person may not hold any pecuniary interest in property owned by the authority while that person is a member of the board of trustees.~~

**Sec. 7. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 5, section 13083-C, subsection 3, of the 4 new members of the board of trustees of the Washington County Development Authority appointed pursuant to this Act, one trustee is appointed to a one-year term, one trustee is appointed to a 2-year term, one trustee is appointed to a 3-year term and one trustee is appointed to a 4-year term.

See title page for effective date.

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**CHAPTER 368**

**H.P. 1058 - L.D. 1513**

**An Act To Require Coordination of  
Early Childhood Programs for  
Children 4 Years of Age in Maine**

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

**Sec. 1. 20-A MRSA §4255** is enacted to read:

**§4255. Coordinated early childhood programs for  
children 4 years of age**

**1. Approval process for early childhood education.** Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a proposal for approval to the department. Evaluation of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

**2. Rulemaking.** The department may adopt rules to implement this section, and any rules adopted must include standards for early childhood programs for children 4 years of age that are developed by school administrative units. Rules adopted pursuant to

this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Standards.** The Department of Education, in collaboration with representatives of the early childhood programs in the State, shall establish standards for early childhood programs for children 4 years of age developed by school administrative units.

See title page for effective date.

## CHAPTER 369

S.P. 490 - L.D. 1401

### An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund

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

**Sec. 1. 2 MRSA §101, sub-§1, ¶D,** as enacted by PL 2003, c. 469, Pt. B, §1, is amended to read:

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

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

**2. Input.** In developing the plan, the Governor shall, at a minimum, review the process for the development of the plan with the joint standing committee of the Legislature having jurisdiction over health and human services matters and seek input from the Advisory Council on Health Systems Development, pursuant to section 104; the Maine Quality Forum and the Maine Quality Forum Advisory Council, pursuant to Title 24-A, chapter 87, subchapter 2; a statewide health performance council; and other agencies and organizations.

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

A. Assess health care cost, quality and access in the State based on, but not limited to, demographic, health care service and health care cost data;

**Sec. 4. 2 MRSA §103, sub-§3, ¶¶E and F,** as enacted by PL 2003, c. 469, Pt. B, §1, are amended to read:

E. Outline strategies to:

- (1) Promote health systems change;
- (2) Address the factors influencing health care cost increases; and
- (3) Address the major threats to public health and safety in the State, including, but not limited to, lung disease, diabetes, cancer and heart disease; ~~and~~

F. Provide recommendations to help purchasers and providers make decisions that improve public health and build an affordable, high-quality health care system; and

**Sec. 5. 2 MRSA §103, sub-§3, ¶G** is enacted to read:

G. Be consistent with the requirements of the certificate of need program described in Title 22, chapter 103-A.

**Sec. 6. 2 MRSA §103, sub-§3-A** is enacted to read:

**3-A. Review.** The plan must be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to being finalized and issued by the Governor.

**Sec. 7. 22 MRSA §335, sub-§1, ¶B,** as enacted by PL 2003, c. 469, Pt. C, §8, is amended to read:

B. Is consistent with and furthers the goals of the State Health Plan;

**Sec. 8. 22 MRSA §335, sub-§7,** as amended by PL 2003, c. 514, §1, is further amended to read:

**7. Review; approval.** Except as provided in section 336, the commissioner shall issue a certificate of need if the commissioner determines and makes specific written findings regarding that determination that:

A. The applicant is fit, willing and able to provide the proposed services at the proper standard of care as demonstrated by, among other factors, whether the quality of any health care provided in the past by the applicant or a related party under the applicant's control meets industry standards;

B. The economic feasibility of the proposed services is demonstrated in terms of the:

- (1) Capacity of the applicant to support the project financially over its useful life, in light of the rates the applicant expects to be