

MAINE STATE LEGISLATURE

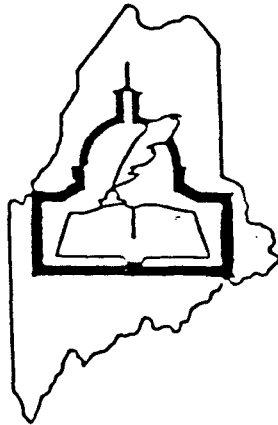
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
HUMAN RESOURCES
BILL SUMMARY



JULY, 1985

Prepared by:

John Selser, Legislative Assistant
Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-1670



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STATE OF MAINE
OFFICE OF LEGISLATIVE ASSISTANTS
ROOM 101
STATE HOUSE, STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-2486

SARAH HOOKE
JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS RYDELL
JOHN SELSER
ANDREA COLNES, RES. ASST.

ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD:

572

AN ACT TO AMEND THE MAINE CERTIFICATE OF NEED ACT TO REQUIRE MORE TIMELY DECISION MAKING ON THE PART OF THE DEPARTMENT OF HUMAN SERVICES

MATTHEWS Z
GAUUREAU
TUTTLE
PERKINS

OTP-AM

HOUSE Enacted
SENATE Enacted
GOV Signed

PUBLIC
CH #443

H-402 CA CARROLL

H-429 CA ROLDE

S-270 CA

S-293 CA Z MATTHEWS

H S
H S

SUMMARY:

This bill originally proposed four changes to the Certificate of Need Law: 1) It deleted a reference to the Health Systems Agency. (The HSA no longer exists.), 2) provided for mandatory approval of a C-O-N application if the decision was not made within prescribed time limits, 3) required the Commissioner of the Department of Human Services to preside at reconsideration hearings, and 4) provided for mandatory approval of reconsideration if a decision had not been made within 45 days of the commencement of the reconsideration hearing.

The committee amendment (S-270) replaced the original bill and made 3 changes to current law: 1) It still deleted the obsolete reference to the HSA, 2)it elaborated on the current law which allows for a mutual extension of the period of review for the C-O-N application beyond the 150 day limit, and 3) and allowed a C-O-N applicant to bypass the reconsideration hearing completely and seek direct review of a certificate of need decision in Superior Court: (If a reconsideration hearing is chosen, the decision must be rendered within 60 days of the commencement of the hearing.)

House amendment "A" to committee amendment "A" (H-402) sought to modify the committee amendment by allowing an applicant to bypass the reconsideration hearing only if new information or changes in circumstances were not alleged. This amendment, and an identical amendment in the Senate (S-293) were defeated. However, when it became apparent that an appropriation would be necessary for the committee amendment to pass unless it were amended, the same amendment was introduced a third time, House Amendment "B" to committee amendment "A" (H-429) and was adopted by both the house and the senate.

Thus, the final bill made the technical correction eliminating the reference to the HSA, retained the elaboration on the method to mutually extend the initial review, and allowed direct review by Superior Court instead of a reconsideration hearing in all cases except where the applicant intends to offer new information or to demonstrate a change in circumstances.