

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN
SERVICES**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

LD 1164

An Act To Amend the Maine Certificate of Need Act of 2002 To Change Nursing Facilities Review Thresholds for Energy Efficiency Projects and for Replacement Equipment

PUBLIC 430

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-534

This bill amends the Maine Certificate of Need Act of 2002 in the following ways.

1. It increases the capital expenditure threshold for nursing facility projects to \$1,000,000. It also clarifies that nursing facility projects involving replacement equipment are not subject to review.
2. It amends generic capital expenditure provisions to clarify that any type of replacement equipment is not subject to review.
3. It exempts from the full certificate of need approval nursing facility projects that implement certain energy-efficient improvements.
4. It requires a simplified approval process for these nursing facility energy-efficient improvements, administered by the audit division of the Department of Health and Human Services, consistent with department rules.
5. It requires amendments to these rules to be effective on or before January 1, 2010 and to require that the minimum depreciation periods between three and seven years are determined based on the value and efficiency of the assets and the depreciation periods are not extended to mirror the terms of the financing.

Committee Amendment "A" (H-534)

This amendment replaces the bill. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, garages and projects that implement certain energy-efficient improvements. It requires the costs associated with energy-efficient projects to be excluded from the total cost of a project in determining whether the project is subject to review. It requires the department to amend the rules governing special reimbursement provisions for energy-efficient improvements and to include requirements that the Department of Health and Human Services respond to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information.

Enacted Law Summary

Public Law 2009, chapter 430 amends the Certificate of Need Act of 2002. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, garages and projects that implement certain energy-efficient improvements. It requires the costs associated with energy-efficient projects to be excluded from the total cost of a project in determining whether the project is subject to review. It requires the department to amend the rules governing special reimbursement provisions for energy-efficient improvements and to include requirements that the Department of Health and Human Services respond to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information.