



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 581

S.P. 173

In Senate, February 15, 2011

### An Act To Repeal the Laws Governing the Capital Investment Fund

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.  
Cosponsored by Representative MALABY of Hancock.

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

2 **Sec. 1. 2 MRSA §101, sub-§1**, as amended by PL 2005, c. 369, §1 and c. 397, Pt.  
3 C, §1 and affected by §2, is further amended to read:

4 **1. Duties of the Governor.** The Governor or the Governor's designee shall:

5 A. Develop and issue the biennial State Health Plan, referred to in this chapter as  
6 "the plan," pursuant to section 103 by December 1, 2005 and every 2 years thereafter;

7 B. Make an annual report to the public assessing the progress toward meeting goals  
8 of the plan and provide any needed updates to the plan; and

9 C. Issue an annual statewide health expenditure budget report that must serve as the  
10 basis for establishing priorities within the plan; ~~and~~

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

14 The Governor shall provide the reports specified in paragraphs B and C to the joint  
15 standing committee of the Legislature having jurisdiction over appropriations and  
16 financial affairs, the joint standing committee of the Legislature having jurisdiction over  
17 health and human services matters and the joint standing committee of the Legislature  
18 having jurisdiction over insurance and financial services matters.

19 **Sec. 2. 2 MRSA §102**, as amended by PL 2009, c. 194, §1, is repealed.

20 **Sec. 3. 2 MRSA §103, sub-§3, ¶D**, as enacted by PL 2003, c. 469, Pt. B, §1, is  
21 repealed.

22 **Sec. 4. 2 MRSA §103, sub-§4**, as enacted by PL 2003, c. 469, Pt. B, §1, is  
23 amended to read:

24 **4. Uses of plan.** The plan must ~~be used in determining the capital investment fund~~  
25 ~~amount pursuant to section 102 and must~~ guide the issuance of certificates of need by the  
26 State and the health care lending decisions of the Maine Health and Higher Education  
27 Facilities Authority. A certificate of need or public financing that affects health care  
28 costs may not be provided unless it meets goals and budgets explicitly outlined in the  
29 plan.

30 **Sec. 5. 2 MRSA §104, sub-§7, ¶C**, as amended by PL 2007, c. 441, §1, is further  
31 amended to read:

32 C. Conducting at least 2 public hearings on the plan ~~and the capital investment fund~~  
33 each biennium;

34 **Sec. 6. 22 MRSA §328, sub-§3-A**, as enacted by PL 2003, c. 469, Pt. C, §2, is  
35 repealed.

36 **Sec. 7. 22 MRSA §335, sub-§1, ¶E**, as amended by PL 2007, c. 440, §14, is  
37 further amended to read:

1 E. ~~Can be funded within the capital investment fund or, in~~ In the case of a nursing  
2 facility, is consistent with the nursing facility MaineCare funding pool and other  
3 provisions of sections 333-A and 334-A.

4 **SUMMARY**

5 This bill repeals the laws governing the capital investment fund, which is a limit for  
6 resources allocated annually under the certificate of need program under the Maine  
7 Revised Statutes, Title 22, chapter 103-A.