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An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities

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

Sec. 1. 34-A MRS §1217 is enacted to read:

§ 1217. Certificate of need for facility construction

1. Certificate of need. The department shall issue a certificate of need, upon a showing of need through an application from a county, for a new or expanded correctional facility for that county. A county may not construct or expand a correctional facility without a certificate of need under this subsection.

2. Criteria. The criteria that the department shall consider in determining whether to issue a certificate of need includes:

- A. Consolidation through economy of scale;
- B. Medical service cost containment;
- C. Validation of the revenue stream; and
- D. Verification of specialization certification.

3. Rules. The department shall adopt major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

SUMMARY

This bill requires that a county apply for a certificate of need from the Department of Corrections before the county may construct or expand a correctional facility. The bill lists the criteria that the Department of Corrections must consider before issuing a certificate of need.