

**§2061. Procedure before issuance of bonds**

Notwithstanding any other provisions of this chapter, the authority is not empowered to undertake any project authorized by this chapter unless, prior to the issuance of any bonds or notes hereunder, the authority has determined that: [PL 1975, c. 264 (RPR).]

**1. Assistance.** Such a project will enable or assist a health care facility to fulfill its obligation to provide health care facilities, an institution for higher education to provide educational facilities within the State or a participating institution providing an educational program to fulfill its mission within the State;  
[PL 2007, c. 354, §20 (AMD).]

**2. Review.** Each project for a health care facility has been reviewed and approved to the extent required by the agency of the State that serves as the designated planning agency of the State or by the Department of Health and Human Services in accordance with the provisions of the Maine Certificate of Need Act of 2002, as amended;  
[PL 2011, c. 90, Pt. J, §19 (AMD).]

**3. Lease.** Such a project will be leased to, or owned by, a health care facility, institution for higher education or institution providing an educational program inside the State;  
[PL 2007, c. 354, §21 (AMD).]

**4. Payment.** Adequate provision has been or will be made for the payment of such project and that under no circumstances will the State be obligated for the payment of such project, or for the payment of the principal of, or interest on, any obligations issued to finance such project; and  
[PL 2001, c. 609, §2 (AMD).]

**5. Projects for program of independent housing with services not required to be licensed.** If the project is for a program of independent housing with services that is not required to be licensed under this Title, the participating health care facility has agreed to comply with the requirements applicable to assisted living providers with regard to the standardized contract under section 7862 and residents' rights under section 7853, subsection 6 and rules adopted pursuant to those provisions. This requirement does not apply to the refinancing of an authority loan outstanding on April 1, 2002 or to a project specifically authorized under this chapter.  
[PL 2023, c. 405, Pt. A, §53 (AMD).]

**SECTION HISTORY**

PL 1971, c. 303, §1 (NEW). PL 1973, c. 713, §7 (AMD). PL 1975, c. 264 (RPR). PL 1979, c. 680, §18 (AMD). PL 1981, c. 455 (AMD). PL 1983, c. 579, §11 (AMD). PL 1991, c. 50, §§18-20 (AMD). PL 1991, c. 584, §5 (AMD). PL 1993, c. 390, §§23-25 (AMD). PL 2001, c. 609, §§1-3 (AMD). RR 2003, c. 2, §71 (COR). PL 2003, c. 469, §C16 (AMD). PL 2003, c. 510, §A16 (AMD). PL 2003, c. 599, §6 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 354, §20, 21 (AMD). PL 2011, c. 90, Pt. J, §19 (AMD). PL 2023, c. 405, Pt. A, §53 (AMD).

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