

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1612

H.P. 1188

House of Representatives, May 12, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

Reference to the Joint Select Committee on Health Care Reform suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker COLWELL of Gardiner. (GOVERNOR'S BILL)
Cosponsored by Senator YOUNGBLOOD of Penobscot and
Representatives: DUDLEY of Portland, MOODY of Manchester, PERRY of Calais,
RICHARDSON of Brunswick, YOUNG of Limestone, Senators: EDMONDS of Cumberland,
KNEELAND of Aroostook, MARTIN of Aroostook.

2 **Constitutional amendment. Resolved:** Two thirds of each
branch of the Legislature concurring, that the following
amendment to the Constitution of Maine be proposed:

4 **Constitution, Art. IX, §24** is enacted to read:

6 **Section 24. Preservation of Fund for a Healthy Maine.** Each
8 fiscal year beginning in fiscal year 2003-04, all money received
by the State of Maine in settlement of or in relation to the
10 lawsuit State of Maine v. Philip Morris et al., Kennebec County
Superior Court, Docket No. CV-97-134 and all money from any other
12 source, whether public or private, designated for deposit or
credit to the State, must be credited to the Fund for a Healthy
14 Maine, or its successor, as established in Public Law 1999,
chapter 401, Part V, section 1.

16 Each fiscal year beginning in fiscal year 2003-04, in order
18 to achieve the State's disease prevention and health access
goals, the Governor shall propose and the Legislature shall
20 allocate or reserve for future allocation all such revenues and
all interest earned or other investment income on balances in the
22 fund for the following health-related purposes only:

24 **1. Smoking prevention, cessation and control activities.** Smoking prevention, cessation and control activities, including,
26 but not limited to, reducing smoking among the children of the
State;

28 **2. Prenatal and young children's care.** Prenatal and young
30 children's care, including home visits and support for parents of
children from birth to 6 years of age;

32 **3. Child care.** Child care for children up to 15 years of
34 age, including after-school care;

36 **4. Health coverage.** Health coverage for children and
adults, maximizing to the extent possible federal matching funds;

38 **5. Prescription drugs.** Prescription drugs for adults who
40 are elderly or disabled, maximizing to the extent possible
federal matching funds;

42 **6. Dental and oral health care.** Dental and oral health
44 care to low-income persons who lack adequate dental coverage;

46 **7. Substance abuse prevention and treatment.** Substance
abuse prevention and treatment;

48 **8. Comprehensive school health programs.** Comprehensive
50 school health programs, including school-based health centers; and

2 9. Other health promotion; disease prevention. Other
3 health promotion and disease prevention activities included in a
4 state health plan.

6 Each fiscal year, the State Controller is authorized to
7 provide an annual advance from the General Fund to the Fund for a
8 Healthy Maine, or its successor, to provide money for allocations
9 from the fund. This money must be returned to the General Fund
10 as the first priority from the amounts credited to the fund.

12 Any unencumbered balance remaining at the end of any fiscal
13 year lapses back to the Fund for a Healthy Maine account, or its
14 successor, within the Department of Administrative and Financial
15 Services and may not be made available for expenditure without
16 specific legislative approval.

18 It is the intent of the people of Maine that the Fund for a
19 Healthy Maine be used to fund services and programs at a level
20 above the level of funding that existed at the time the Fund for
21 a Healthy Maine was created and that tobacco settlement money not
22 be used, directly or indirectly, to supplant current levels of
23 funding for other programs and services.

24 ; and be it further
25

26
27
28 **Constitutional referendum procedure; form of question; effective**
29 **date. Resolved:** That the municipal officers of this State shall
30 notify the inhabitants of their respective cities, towns and
31 plantations to meet, in the manner prescribed by law for holding
32 a statewide election, at a statewide election, on the Tuesday
33 following the first Monday of November following the passage of
34 this resolution, to vote upon the ratification of the amendment
35 proposed in this resolution by voting upon the following question:

36
37 "Do you favor amending the Constitution of Maine to require
38 that Maine's tobacco settlement money be used only for
39 health-related purposes, including prevention and treatment
40 of disease and addiction and access to health care for both
41 children and adults?"

42
43 The legal voters of each city, town and plantation shall
44 vote by ballot on this question and designate their choice by a
45 cross or check mark placed within the corresponding square below
46 the word "Yes" or "No." The ballots must be received, sorted,
47 counted and declared in open ward, town and plantation meetings
48 and returns made to the Secretary of State in the same manner as
votes for members of the Legislature. The Governor shall review

2 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
4 that fact without delay and the amendment becomes part of the
Constitution of Maine on the date of the proclamation; and be it
further

6
8 **Secretary of State shall prepare ballots. Resolved:** That the
Secretary of State shall prepare and furnish to each city, town
and plantation all ballots, returns and copies of this resolution
10 necessary to carry out the purposes of this referendum.

12 **SUMMARY**

14 This resolution proposes to amend the Constitution of Maine
to ensure that the Fund for a Healthy Maine is used for
16 health-related purposes only. The resolution prevents the
tobacco settlement money from being used to replace existing
18 funds outside of the Fund for a Healthy Maine.