

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

FEBRUARY 23, 1988

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summary of February 16, 1988, Council Meeting

DIRECTOR'S REPORT

- Out-of-State Travel

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

- Item #1: Request from Blue Ribbon Commission on Regulation of Health Care Expenditures for Authorization to Hire a Consultant

NEW BUSINESS

- Item #1: Request for Funding of State and Local Legal Center. (Letter from Ted Strickland, President, NCSL and Mary McClure, President, Council of State Governments)
- Item #2: After Deadline Requests

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE

AUGUSTA, MAINE 04333

LEGISLATIVE COUNCIL

FEBRUARY 16, 1988

MEETING SUMMARY

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. THOMAS R. PERKINS
SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 3:10 p.m..

ROLL CALL

Senators: Sen. Clark, Sen. Dutremble, Sen. Perkins, Sen. Pray,
Absent: Sen. Webster

Representatives: Rep. Diamond, Rep. Gwadosky, Rep. Martin, Rep. Murphy, Rep. Paradis

Legislative Officers:

Sally Diamond	Executive Director, Legislative Council
Peter Siegel	Law Librarian
Bent Schlosser	Director, Office of Fiscal and Program Review
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes

SECRETARY'S REPORT

The summary of the Council's February 9, 1988 , meeting was approved and placed on file (Motion by Sen. Dutremble; second by Rep. Martin; unanimous).

DIRECTOR'S REPORT

Sally Diamond, Executive Director, presented a summary of legislative expenditures through January 31, 1988.

Motion: That the report be accepted and placed on file.
(Motion by Sen. Perkins; second by Rep. Diamond; unanimous).

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Study Report from Joint Standing Committee on Judiciary: Driving Under the Influence of Illegal Drugs

Motion: That the report be accepted and placed on file. (Motion by Rep. Diamond; second by Sen. Perkins; unanimous).

Item #2: Request from Blue Ribbon Commission on the Regulation of Health Care Expenditures for Authorization to Enter a Contract for Technical Services.

The Commission requested Council authorization to engage the services of Graham Atkinson, a consultant from Washington D.C., to provide expert consultation through December, 1988, for a total proposed amount of \$67,980.00 plus expenses. A work plan describing the scope of Mr. Atkinson's services was distributed.

Council discussion focussed on two issues: 1) why it was necessary to rely on outside resources to such an extent; and 2) why the proposed budget for Mr. Atkinson's services exceeded the total amount appropriated to the Council.

Motion: That the Commission's request be tabled pending further information, to be assembled by the Executive Director. (Motion by Sen. Clark; second by Rep. Diamond; unanimous).

Item #3: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:13 (Motion by Sen. Pray; second by Rep. Gwadosky; unanimous).



FEB 22 REC'D

MAINE STATE LEGISLATURE
Augusta, Maine 04333

Sen. Charles P. Pray
Chair
Legislative Council
State House
Augusta, 04333

18 February, 1988

Dear Senator Pray,

After much deliberation, the Blue Ribbon Commission on Health Care Expenditures has made a decision regarding the consultant they wish to work for the Commission.

His name is James Graham Atkinson, D. Phil. He has a broad range of experience in consulting on health care finance issues with hospitals, hospital associations, insurance companies and government agencies. He will be asked to prepare and present issue papers to the Commission, facilitate discussions, and work with legislative staff to prepare a final report. The Commission's reporting date is January 15, 1989.

The Commission is facing a broad mandate to recommend the most appropriate form of health care regulation necessary to ensure that Maine citizens are provided with health care that is of good quality, is accessible and affordable.

The study directs the Commission to evaluate the current and anticipated market for health care services, the current methods and impending trends in the financing and delivery of health care, the current and anticipated environment for health care delivery systems and various methods of regulating health care and health care expenditures, including, but not limited to, the present regulatory system under the Maine Health Care Finance Commission. The Commission's scope of work is enclosed.

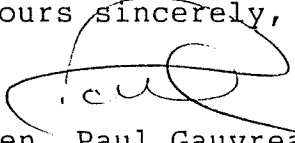
Considering the magnitude of the scope of work facing the Commission, and the complicated issues involved, Commission members agreed that the study requires the expert input and quality time provided by Graham Atkinson.

The Commission is interested in proceeding with the necessary contract as soon as possible. Additional appropriations will be necessary to cover Atkinson's budget and Commission meetings through January 1989.

I would appreciate it if you could bring the Commission's request for additional funds to the Council's attention.

Thank you for your assistance in this matter.

Yours sincerely,



Sen. Paul Gauvreau
Chair

cc Sarah Diamond
Helen Ginder

February 17, 1988

BLUE RIBBON COMMISSION ON HEALTH CARE EXPENDITURES

SCOPE OF WORK

1. Detailed recommendations for statutory changes in hospital cost and revenue regulation.
2. Detailed recommendations for dealing with the Medicare and Medicaid cost shifts and bad debts and charity care.
3. Specific recommendations for changes in the Certificate of Need process.
4. Some discussion of physician shortages and physician fees.
5. Some discussion of professional shortages in general.
6. Some discussion of nursing home problems, with recommendations for changes.
7. Some discussion of problems of lack of insurance, with some options for resolution of the problems.
8. Discussion of particular problems facing small isolated hospitals, with options for resolution and possibly suggestions for statutory changes.

In some cases there might be recommendations for further study.

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National Conference of State Legislatures

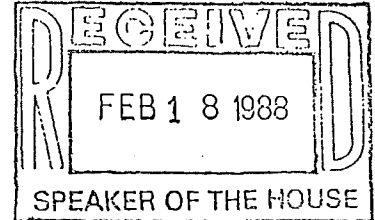
444 North Capitol Street, N.W.
Suite 500
Washington, D.C. 20001
202/624-5400

President Ted Strickland
President
Colorado State Senate

Executive Director
William T. Pound

February 12, 1988

Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, ME 04330



Dear Mr. Speaker:

In 1983, the National Conference of State Legislatures, the Council of State Governments, and the National Governors' Association participated in the founding of the State and Local Legal Center. Working in collaboration with the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties, the state public interest groups established the Legal Center to effectively represent state and local interests before the U.S. Supreme Court. With the support of seed money from the Pew Memorial Trust, the State and Local Legal Center began preparing briefs for CSG, NCSL, NGA and the local government groups to file with the U.S. Supreme Court. The Center's briefs have been widely praised by Court watchers and constitutional scholars as "thoughtful, creative, and written with a highly sophisticated sense of what will most concern the Court." The Center has also prepared state and local attorneys for oral argument before the Court by conducting moot courts.

The officers of NCSL, CSG and NGA are convinced that the State and Local Legal Center is critically important for preserving constitutional federalism. The Center's briefs have been persuasive with the Court in cases involving federal preemption, state taxing and spending powers, the Tenth Amendment, and other issues of concern to states and localities. You will find enclosed a report on briefs that the center has filed that documents its remarkable success.

On the basis of the excellent work of the Legal Center over these last four years, we believe it is essential that state and local governments provide financial support for the Center as existing funding lapses. The boards of our organizations have agreed that the states raise half the funds with the local governments raising the other half. The local governments are close to reaching their fundraising goal but the state effort is lagging. The collective state share of that base annuity is \$250,000--a small price for an invaluable service. Based upon dues formulas similar to those used by CSG, NGA, and NCSL, we are requesting an annual appropriation from each state or an equivalent special assessment as shown on the enclosed tables and description of the funding plan.

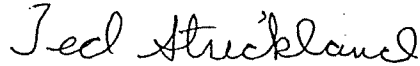
We are specifically requesting that the State of Maine incorporate funding for the State and Local Legal Center into its FY 1989 budget. States may make a one-time appropriation, payable over three years at the option of the state, or may make payments in the form of "dues" every year, as long as the Legal

Center remains in operation. Payments are to be sent to the Council of State Governments. The one-time payments are being deposited in a trust, with the income used for the benefit of the Legal Center. The one-time payment for the state of Maine would be \$30,000. The yearly "dues" payment would be \$3,000. An advantage of the one-time payment is simplicity: it would not be necessary to appropriate a small amount of money every year for Legal Center operations. The yearly "dues" payment, on the other hand, is a more traditional method of funding interstate organizations.

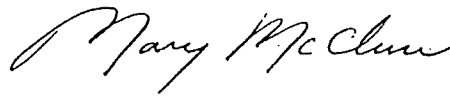
If you have questions about this request, or any of the enclosures, please contact the Executive Directors of our organizations or Joyce Benjamin, Deputy Chief Counsel, the State and Local Legal Center (202) 638-1445 at 444 N. Capitol Street, Washington, D.C. 20001.

We continue to believe this funding request to be essential to the proper representation of the state interest in federal courts.

Sincerely,



Ted Strickland
President, Colorado Senate
President, NCSL



Mary McClure
President Pro Tem
South Dakota Senate
Chairman, Council of
State Governments

BW/am

**State and Local Legal Center
Schedule of State Contributions**

In order to raise the necessary \$250,000 State and Local Legal Center annual operating budget from the states, there would need to be an average contribution of \$5000 per state. Because CSG, NCSL, and NGA each use a slightly different method of allocating organizational dues among the fifty states, but all use population as a factor, a simplified composite has been developed utilizing seven population categories. Accordingly, the eight largest states in population would pay \$8000; the next seven largest would pay \$7000; and so on until the least populous seven states would pay \$2000 each. The table outlining these contributions is attached as Option I, and the Seven categories of states are as follows:

- Category 1 -- California, Florida, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas.
- Category 2 -- Georgia, Indiana, Massachusetts, Missouri, New Jersey, North Carolina, and Virginia.
- Category 3 -- Alabama, Louisiana, Maryland, Minnesota, Tennessee, Washington, and Wisconsin.
- Category 4 -- Arizona, Colorado, Connecticut, Iowa, Kentucky, Oklahoma, and South Carolina.
- Category 5 -- Arkansas, Kansas, Mississippi, Nebraska, Oregon, Utah, and West Virginia.
- Category 6 -- Hawaii, Idaho, Maine, Nevada, New Hampshire, New Mexico, and Rhode Island.
- Category 7 -- Alaska, American Samoa, Delaware, Guam, Montana, North Dakota, Northern Marianas, Puerto Rico, South Dakota, Vermont, Virgin Islands, and Wyoming.

Some states may wish to make a one-time contribution to fund the Center, and not have continuing annual financial obligations. The sums necessary for this option for each state are included as Option II.

Finally, some states may wish to complete their financial obligations to the Center within a three-year period. The contributions necessary from each state for this option are listed as Option III.