

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

COMMITTEE AMENDMENT "A " to S.P. 494, L.D. 1825, Bill,
"AN ACT to Create a Commission to Revise the Laws Relating to
Medical and Hospital Malpractice Insurance."

Amend said Bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature
do not become effective until 90 days after adjournment unless
enacted as emergencies; and

Whereas, a national crisis is developing with regard to the
availability and cost of hospital and medical malpractice insurance;
and

Whereas, the effect of this situation is already being
felt in the State of Maine; and

Whereas, it is vitally necessary that the Legislature
immediately take action which will provide for a thorough and
comprehensive review of the medical and hospital malpractice
situation in Maine; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health
and safety; now, therefore, '

Further amend said Bill by striking out all of section
2 and inserting in place thereof the following:

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'Sec. 2. Membership. The membership of the commission shall be constituted and appointed as follows: One member shall be a Member of the House of Representatives in the 107th Legislature to be appointed by the Speaker of the House; one member shall be a Member of the Senate in the 107th ←→ Legislature to be appointed by the President of the Senate; one member shall be a sitting or retired Justice of the Supreme Judicial Court of Maine and said justice shall serve as chairman of the commission upon his appointment by the Chief Justice; one member shall be a representative of the Maine Hospital Association to be appointed by the Governor upon recommendation of the Maine Hospital Association; one member shall be a representative of the Maine Medical Association to be appointed by the Governor upon recommendation of the Maine Medical Association; one member shall be a representative of the Maine Bar Association to be appointed by the Governor upon recommendation of the Maine Bar Association; one member shall be a representative of the Maine Osteopathic Association to be appointed by the Governor upon recommendation of the Maine Osteopathic Association; one member shall be a representative of an insurance company presently writing hospital and medical malpractice insurance in Maine to be appointed by the Governor; one member shall be a representative of Blue Cross and Blue Shield to be appointed by the Governor; and 4 additional members none of whom shall, or immediate family members shall, derive a part or whole of their income from the health care or insurance field, shall be appointed by the Governor. The Commissioner of Health and Welfare and the Superintendent

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of Insurance shall serve as voting members of the commission. Each member shall serve until the commission shall have completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, by the then President of the Senate, Speaker of the House, Governor or Chief Justice, as the case may be, in the same manner as with respect to the original appointment.'

Further amend said Bill in section 3 by striking out in the 3rd line from the end (same in L.D.) the figure "5" and inserting in place thereof the figure '7'

Further amend said Bill by inserting at the end of section 3 the following sentence:

'The members of the commission shall serve without compensation, but they may be reimbursed for their reasonable expenses involved in attending meetings, procuring supplies, securing clerical services and handling correspondence and for other related and necessary expenditures.'

Further amend said Bill by inserting after section 4 the following:

'Sec. 5. Clerical assistance. The commission may employ clerical assistance when justified as needed to carry out its duties.'

Further amend said Bill by striking out all of section 5 and inserting in place thereof the following:

'Sec. 6. Financing of commission by the Board of Registration in Medicine and by the Board of Osteopathic Examination and

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Registration. The Board of Registration in Medicine is authorized and directed to expend an amount/ ^{of money} not to exceed \$24,000 for the partial financing of this commission and to disburse said funds to the commission upon the receipt of an appropriate voucher signed by the chairman of the commission.

The Board of Osteopathic Examination and Registration is authorized and directed to expend an amount of money not to exceed \$1,000 for the partial financing of this commission and to disburse these funds to the commission upon the receipt of an appropriate voucher signed by the chairman of the commission.'

Further amend said Bill by inserting at the end before the statement of fact the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

The primary purpose of this amendment is to add an emergency preamble and an emergency clause to the bill in order that the issue of medical and malpractice insurance can be comprehensively reviewed by a special commission as soon as possible. Additionally, the amendment adds 4 new members to the commission, including a representative of the Maine Osteopathic Association, a representative of an insurance company, a representative of Blue Cross and Blue Shield and the Commissioner of Health and Welfare. The amendment also makes clear that the commission may employ clerical assistance and that reasonable expenses will be reimbursed to commission members.

Reported by the Committee on Health and Institutional Services.
Reproduced and distributed pursuant to Senate Rule 11-A.
May 20, 1975. (Filing No. S-173).