

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 697, L.D. 992)  
3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 1428

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9 H.P. 990

House of Representatives, April 30, 1985

10 Reported by Representative Gwadosky from the Committee on State  
11 Government and printed under Joint Rule 2. Original bill sponsored by  
12 Representative Manning of Portland. Cosponsored by Senator Gill of  
Cumberland.

EDWIN H. PERT, Clerk

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14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

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19 Resolve, Pertaining to a State Employee  
20 Health Promotion.  
21

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

26 Whereas, many health needs of state employees are  
27 not currently being met; and

28 Whereas, there is an immediate need for a compre-  
29 hensive state employee health promotion program; and

30 Whereas, in the judgment of the Legislature,  
31 these facts create an emergency within the meaning of  
32 the Constitution of Maine and require the following  
33 legislation as immediately necessary for the preser-  
34 vation of the public peace, health and safety; now,  
35 therefore, be it

1 State Employee Health Promotion Program Commis-  
2 sion established. Resolved: That there is estab-  
3 lished the State Employee Health Promotion Program  
4 Commission. The commission shall consist of 9 mem-  
5 bers to be appointed by the Governor as follows:

6 1. One member representing the Department of Hu-  
7 man Services, Bureau of Health;

8 2. One member representing the Maine State Em-  
9 ployees Health Insurance Program;

10 3. One member representing the Department of Fi-  
11 nance and Administration, Risk Management Division;

12 4. One member representing the Department of Fi-  
13 nance and Administration, Bureau of Public Improve-  
14 ments;

15 5. The Assistant Director of the Department of  
16 Personnel, Office of Employee Relations;

17 6. One member representing the Alcohol and Drug  
18 Abuse Planning Committee;

19 7. One member representing the State Employee  
20 Assistance Program; and

21 8. Two members representing the 2 employee un-  
22 ions or associations representing the largest number  
23 of state employees; and be it further

24 Duties of commission. Resolved: That the com-  
25 mission shall conduct a study, including, but not  
26 limited to, the following:

27 1. The inclusion in state employee health insur-  
28 ance of coverage for surgical opinions and testing  
29 prior to hospital admission;

30 2. Smoking policies in the workplace;

31 3. The use of seat belts in state-owned vehicles  
32 and privately-owned vehicles where the owner is reim-  
33 bursed by the State for mileage;

34 4. Income protection programs; and

1           5. The feasibility of implementing wellness pro-  
2           grams dealing with, but not limited to, the follow-  
3           ing:

4           A. The hazards of smoking;

5           B. Drug and alcohol abuse;

6           C. Stress management;

7           D. Weight reduction;

8           E. Low cholesterol diet programs; and

9           F. High blood pressure clinics; and be it fur-  
10          ther

11          **Goals. Resolved:** That, in conducting the study  
12          and in making its recommendations, the commission  
13          shall adopt the goals of reducing incidence of sick  
14          leave and reducing the number of workers' compensa-  
15          tion claims against the State; and be it further

16          **Report. Resolved:** That the commission shall, by  
17          no later than the date required of reports of joint  
18          standing committees as provided in the Joint Rules of  
19          the Legislature, report its findings, together with  
20          any implementing legislation, including a proposed  
21          program for state employee health promotion covering  
22          all state employees who are eligible for state health  
23          insurance, to the Joint Standing Committee on State  
24          Government for consideration at the Second Regular  
25          Session of the 112th Legislature; and be it further

26          **Compensation. Resolved:** That the members of the  
27          commission shall receive no compensation. Members of  
28          the commission representing agencies of State Govern-  
29          ment shall be reimbursed for all necessary expenses  
30          from the budgets of the respective agencies. The 2  
31          employee members representing employee unions or as-  
32          sociations shall be reimbursed from the appropriation  
33          provided in this resolve; and be it further

34          **Employee members' compensation and benefits. Re-**  
35          **solved:** That for the purpose of this resolve, the 2  
36          employee members of the commission representing state  
37          employee unions or associations shall continue to re-

1 ceive their regular wages or salaries for time spent  
2 in the work of the commission. The time that the em-  
3 ployee representatives spend in the work of the com-  
4 mission shall be deemed part of the regular duties of  
5 these employee members and shall accrue for the pur-  
6 poses of fringe benefits, including vacation and sick  
7 leave, health and life insurance and retirement; and  
8 be it further

9       **Bargaining negotiations. Resolved:** That nothing  
10 in this resolve may be interpreted to limit or re-  
11 strict, in any way, any issues or proposals to be in-  
12 cluded in bargaining negotiations between the State  
13 and state employee labor unions and associations; and  
14 be it further

15       **Staff. Resolved:** That the Department of Human  
16 Services, Bureau of Health shall provide staff to the  
17 commission to assist the commission in all its work.

18       **Appropriation.** The following funds are appropri-  
19 ated from the General Fund to carry out the purposes  
20 of this resolve.

21 1985-86

22 HUMAN SERVICES, DEPARTMENT OF

23	Bureau of Health	
24	All Other	\$2,000

25       **Emergency clause.** In view of the emergency cited  
26 in the preamble, this resolve shall take effect when  
27 approved.

28 **FISCAL NOTE**

29       This resolve will incur a cost of \$2,000 or less  
30 to the General Fund for the fiscal year 1985-86 which  
31 will be used to pay the travel expenses of the 2  
32 state employees appointed to the commission and to  
33 pay any printing cost arising from the issue of a re-  
34 port.

1 STATEMENT OF FACT

2 The purpose of this new draft is to clarify the  
3 resolve, make a technical change and to avoid a con-  
4 flict of interest. This amendment:

5 1. Removes the insurance company representatives  
6 from the commission and replaces them with 2 state  
7 employee members;

8 2. Corrects the erroneous reference to 2 sepa-  
9 rate Offices of Employee Relations by replacing one  
10 with the Alcohol and Drug Abuse Planning Committee;

11 3. Provides that state agency representatives on  
12 the commission will be reimbursed for expenses from  
13 their respective agencies;

14 4. Provides that state employees appointed to  
15 the commission shall continue to receive their regu-  
16 lar wages and salaries and retain all their benefits  
17 which will accrue as usual; and

18 5. Provides that bargaining negotiations between  
19 the State and the state employee association are not  
20 precluded from bargaining for health promotion pro-  
21 grams.

22 3181041885