

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1258

S.P. 407

In Senate, April 14, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator TUTTLE of York, Representative
CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to the State Health Insurance
2 Program and the Bureau of State
3 Employee Health.
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 Sec. 1. 5 MRSA §285, sub-§2, as amended by PL
8 1985, c. 785, Pt. A, §30, is further amended to
9 read:

10 2. Coverage. Each state employee to whom this
11 section applies shall be eligible for group accident
12 and sickness or health insurance as provided in Title
13 24-A, sections 2802 to 2812, including major medical
14 benefits. The provisions of such group insurance
15 policy or policies shall be determined, insofar as
16 such provisions are not inconsistent with terms and

1 conditions contained in collective bargaining agree-
2 ments negotiated pursuant to Title 26, chapter 9-B,
3 by a board of trustees consisting of 5 members, 2 of
4 whom shall be appointed by the employee organization
5 certified to represent the majority of employees, one
6 of whom shall be a retired state employee selected by
7 a majority vote of the Presidents of the Chapters of
8 the Retired State Employees Association, and 2 state
9 employees who shall be appointed by the Governor. The
10 board of trustees, as authorized by chapter 379,
11 shall hold office for 3 years, with initial appoint-
12 ments to be made as follows: One member appointed by
13 the Governor for 3 years and one member appointed by
14 the Governor for 2 years; one member appointed by the
15 Maine State Employees Association for 3 years and one
16 member appointed by the Maine State Employees Associ-
17 ation for 2 years; and one member, appointed by the
18 Maine State Retirees, for one year, the members of the
19 State Employee Health Commission as provided in sec-
20 tion 958. The master policy for such group insurance
21 shall be held by the Commissioner of Administration
22 who shall be ex officio a member of the board of
23 trustees and shall be administered by the State Em-
24 ployee Health Labor-Management Committee. Said group
25 insurance shall be administered by the board of
26 trustees herein provided.

27 Sec. 2. 5 MRSA §286, sub-§1, as amended by PL
28 1985, c. 785, Pt. B, §16, is further amended to
29 read:

30 1. Board of trustees; regulations. The board of
31 trustees shall be responsible for the efficient oper-
32 ation of this group insurance program and is autho-
33 rized to promulgate such regulations as are necessary
34 to properly administer the plan, except as otherwise
35 provided. It may exercise general supervision through
36 an executive director the director of the Division of
37 Benefits in the Bureau of State Employee Health, who
38 shall be employed pursuant to the Civil Service Law.

39 Sec. 3. 5 MRSA §286, sub-§3, as repealed and re-
40 placed by PL 1979, c. 657, is repealed and the fol-
41 lowing enacted in its place:

42 3. Funding. The cost of administration by the
43 Division of Benefits in the Bureau of State Employee

1 Health and the costs of the trustees shall be funded
2 from an administrative allowance to be negotiated
3 with the health benefit carrier. Indirect costs may
4 not be allocated to the program.

5 Sec. 4. 5 MRSA §286, sub-§§4 and 5 are enacted
6 to read:

7 4. Appeals. Appeals shall be to a subcommittee
8 of the trustees consisting of the labor and manage-
9 ment chairmen and the retiree representative.

10 5. Duties. The trustees may establish separate
11 interest bearing accounts and take other appropriate
12 and necessary administrative actions to carry out
13 their duties.

14 Sec. 5. 5 MRSA §955, 3rd ¶, as enacted by PL
15 1985, c. 785, Pt. C, §1, is repealed.

16 Sec. 6. 5 MRSA §§957 and 958 are enacted to
17 read:

18 §957. Organization

19 The Bureau of State Employee Health shall consist
20 of 3 divisions under the supervision of the director.
21 Division heads shall be appointed by the director,
22 subject to the Civil Service Law and with the approv-
23 al of the State Employee Health Labor-Management Com-
24 mittee. These divisions are:

25 1. Division of Benefits. The Division of Bene-
26 fits shall be responsible for administration of the
27 Accident and Sickness or Health Insurance Program,
28 sections 285 and 286;

29 2. Division of Wellness and Health Planning.
30 The Division of Wellness and Health Planning shall be
31 responsible for the study and administration of
32 wellness and health programs upon recommendations of
33 the State Employee Health Labor-Management Committee,
34 section 285, subsection 2; and

35 3. Division of State Employee Assistance Pro-
36 gram. The Division of State Employee Assistance Pro-
37 gram shall be responsible for administering the State

1 Employee Assistance Program, Title 22, chapter 254-A.

2 §958. State Employee Health Commission

3 1. Membership. The State Employee Health Com-
4 mission, as established by section 12004, subsection
5 10, shall consist of 8 representatives of labor: One
6 from each bargaining unit recognized under the State
7 Employee Labor Relations Act and a retiree represen-
8 tative; and 8 representatives of management.

9 2. Appointment. The labor representatives shall
10 be appointed by the representative of their respec-
11 tive bargaining units. The retiree representative
12 shall be appointed by the majority vote of the Presi-
13 dents of the Retiree Chapters of the Maine State Em-
14 ployees Association. The management representatives
15 shall be the Director of the Bureau of State Employee
16 Health and 7 others chosen by the director. All mem-
17 bers of the commission shall serve at the pleasure of
18 their appointing authority.

19 3. Duties. The State Employee Health Commission
20 shall serve as trustees of the group accident and
21 sickness or health insurance in this Title, and shall
22 advise the Director of Employee Health and the divi-
23 sion directors on all programs under the charge of
24 the bureau, including, but not limited to, health in-
25 surance issues concerning health and wellness, the
26 State Employee Assistance Program and the use of the
27 State Employee Health Internal Service Fund Account.

28 4. Voting; compensation. All votes of the com-
29 mission shall be one vote cast by labor and one vote
30 cast by management. The votes shall be cast by the
31 labor chairman who shall be chosen by the labor mem-
32 bers and the vote shall represent the majority opin-
33 ion of the labor caucus of the commission; and by the
34 management chairman who shall be the Director of the
35 Bureau of State Employee Health. Members of the com-
36 mission shall not be compensated but shall be granted
37 administrative leave to carry out the purposes of the
38 commissioner.

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STATEMENT OF FACT

2 The 112th Legislature established the Bureau of
3 State Employee Health and directed it to work with a
4 labor-management group to devise ways to maximize em-
5 ployee involvement in the planning and execution of
6 all employee health programs. This bill implements
7 the initial recommendations of the State Employee
8 Health Labor-Management Committee.

9 The bill organizes the bureau into 3 divisions:
10 Division of Benefits, Division of Wellness and Health
11 Planning and the Division of State Employee Assist-
12 ance Program. The State Employee Health Commission,
13 made up of representatives from each bargaining unit
14 and a retiree, and an equal number of management rep-
15 resentatives, shall advise the Director of the Bureau
16 of State Employee Health on all programs under the
17 charge of the bureau. The commissioner will replace
18 the trustees of the Accident and Sickness or Health
19 Insurance Program, with certain administrative appeal
20 responsibilities assigned to a subcommittee.

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