

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)

(EMERGENCY)
(After Deadline)
FIRST REGULAR SESSION
ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1880

S.P. 657 In Senate, June 30, 1987
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by President PRAY of Penobscot.
Cosponsored by Senator CLARK of Cumberland, Speaker MARTIN
of Eagle Lake, Senator PERKINS of Hancock.

STATE OF MAINE

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

1 AN ACT Relating to Study and Other
2 Commission or Agency Schedules.
3

4 Emergency preamble. Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, it is vitally necessary that this legis-
8 lation be enacted as an emergency measure in order
9 that the several study commissions and committees may
10 begin to undertake their duties immediately; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

3 Be it enacted by the People of the State of Maine as
4 follows:

5 **PART A**

6 **Sec. 1. Commission established.** The Commission
7 on the Feasibility of Constructing a Highway to the
8 St. John Valley is established. The commission shall
9 be composed of the Commissioner of Transportation;
10 the Commissioner of Agriculture, Food and Rural Re-
11 sources; the Director of the State Planning Office;
12 the Director of the Regional Planning Commission and
13 the Commissioner of Economic Development, if that po-
14 sition is created before the effective date of this
15 Part. One member of the transportation committee is
16 to be appointed by the President of the Senate and
17 another member from the committee is to be appointed
18 by the Speaker of the House of Representatives. The
19 President of the Senate and the Speaker of the House
20 of Representatives shall jointly appoint 2 residents
21 of Aroostook County, one person from the northern
22 part of the county and the other person being from
23 the central part of the county. The commission shall
24 elect a chairman from among its members. The members
25 of the commission shall receive reimbursement for ex-
26 penses upon application to the Executive Director of
27 the Legislative Council. The commission shall re-
28 quest staff assistance from the Legislative Council.
29 The chairman of the Legislative Council shall convene
30 the first meeting of the commission.

31 **Sec. 2. Feasibility of highway.** The commission
32 shall study the feasibility of constructing a 4-lane
33 highway, with controlled access, from the end of the
34 existing Interstate 95 to the St. John Valley. The
35 commission may conduct an impact study if necessary.
36 The commission shall report its findings, together
37 with any necessary legislation, to the Second Regular
38 Session of the 113th Legislature by February 15,
39 1988.

40 **Sec. 3. Allocation.** The following funds are al-
41 located from the Highway Fund to carry out the pur-
42 poses of this Part.

LEGISLATURE

Commission on the Feasibility of Constructing a Highway to the St. John Valley

All Other \$3,500

This allocation provides funds for anticipated travel, printing and miscellaneous expenses of the commission.

Sec. 4. Resolve 1987, c. 47 is repealed.

PART B

Sec. 1. Commission on Maine's Future. There is created and established a Commission on Maine's Future, in this Part referred to as the "commission." It shall be the responsibility of the commission to recommend a desirable and feasible description of the State's future, including an integrated and progressive plan for reaching the goals contained in that description. The description and plan shall be based upon comprehensive analysis of factual information and projections pertinent to the description and plan. The commission may use the technical expertise of the State Planning Office and the Office of Policy and Legal Analysis to construct models and identify parameters to be used in determining the best long-range goals of the State. These findings shall be articulated into a working document.

Sec. 2. Members of the commission. The Commission on Maine's Future shall consist of 40 members. The Director of the State Planning Office and 19 members shall be appointed by the Governor. The 19 members shall be apportioned among the planning and development districts established pursuant to the Maine Revised Statutes, Title 30, section 4521, according to relative population shares. Each county shall have at least one representative. There shall be 20 members, 10 appointed by the President of the Senate

1 and 10 appointed by the Speaker of the House. The
2 members appointed by the President of the Senate and
3 the Speaker of the House shall be chosen to reflect a
4 geographic balance.

5 The Governor shall appoint the chairman of the
6 commission from the membership and the chairman shall
7 serve at the Governor's pleasure. The commission
8 members shall serve terms to expire on July 1, 1989,
9 to enable the commission to advise the Legislature
10 with respect to the proposals and to follow the im-
11 plementation of the proposals of the commission. Any
12 vacancy in membership on the commission shall be
13 filled by the appointing authority authorized to ap-
14 point the member whose position has become vacant.

15 **Sec. 3. Duties of the commission.** The duties of
16 the commission are to prepare for consideration by
17 the Governor, the Legislature and the people of
18 Maine:

19 1. A proposed growth and development policy for
20 the State and step-by-step recommendations concerning
21 means to most effectively implement the policy;

22 2. Reports assembling, analyzing and projecting
23 relevant information regarding the future of the
24 State, including, but not limited to:

25 A. Statewide and regional demographic informa-
26 tion on growth, interstate and intrastate migra-
27 tion patterns, age distribution and dependency
28 ratios as factors in the cultural, social and ec-
29 onomic life of the State;

30 B. Availability of various natural resources,
31 including energy, and an analysis of their impor-
32 tance to, and effect upon, the cultural, social
33 and economic life of the State; and

34 C. A description of the future of the State as
35 envisioned by its people;

36 3. An examination of long-range plans by state
37 departments and agencies, including the University of
38 Maine System, and an assessment of their possible im-
39 pact on state growth and development;

1 4. Reports on the implications of major state
2 decisions;

3 5. A progress report on commission activities to
4 be submitted to the Governor and the Joint Standing
5 Committee on State and Local Government not later
6 than April 1, 1988; and

7 6. A formal final report on commission activi-
8 ties to be submitted to the Governor and to the joint
9 standing committee of the Legislature having juris-
10 diction over state and local government not later
11 than January 1, 1989. The final report shall contain
12 any necessary implementing legislation.

13 In the performance of its duties, the commission
14 may hold public hearings and conferences with any
15 person, persons, organizations and governmental agen-
16 cies concerned with Maine's future. The commission
17 shall be provided information, reports or other as-
18 sistance from any agency, department, legislative
19 committee or other instrumentality of the State, with
20 the consent of the head of the respective organiza-
21 tion. State agencies shall, on request, assist the
22 commission in carrying out the purposes of this Part.

23 Sec. 4. Staff to the commission. The State
24 Planning Office shall staff the commission to conduct
25 research and prepare reports for the commission.

26 Sec. 5. Compensation. Legislative members of
27 the commission shall receive legislative per diem.
28 All other members shall receive expenses only.

29 Sec. 6. Funding. The commission is authorized
30 to accept and employ any funding available to carry
31 out the purpose of this Part.

32 Sec. 7. Resolve 1987, c. 60 is repealed.

33 PART C

34 Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(28-B)
35 is enacted to read:

36 (28-B) Health Maine Health Expenses 5 MRSA §19101
37 Policy Advisory Only

1 Council

2 Sec. 2. 5 M RSA Pt. 22 is enacted to read:

3 PART 22

4 INTERDEPARTMENTAL ADVISORY COUNCILS

5 CHAPTER 435

6 MAINE HEALTH POLICY ADVISORY COUNCIL

7 §19101. Establishment; role

8 The Maine Health Policy Advisory Council, as es-
9 tablished in section 12004, subsection 10, paragraph
10 A, shall advise and be available for consultation to
11 the Governor, Commissioner of Human Services, Commis-
12 sioner of Mental Health and Mental Retardation, other
13 executive branch agencies, the Legislature and the
14 Maine congressional delegation on health policy is-
15 sues related to health status, health promotion and
16 health care delivery that the council believes to be
17 significant and that it has the resources to address.

18 §19102. Definitions

19 As used in this chapter, unless the context oth-
20 erwise indicates, the following terms have the fol-
21 lowing meanings.

22 1. Health care delivery. "Health care delivery"
23 means the quality and cost of care, availability of
24 care, access to care, appropriateness of services,
25 use of services and adequacy of facilities, equipment
26 and personnel.

27 2. Health promotion. "Health promotion" means
28 any combination of health education and related orga-
29 nizational, political and economic interventions de-
30 signed to bring about behavioral and environmental
31 changes conducive to health.

32 §19103. Membership; officers; compensation

33 1. Membership. The council shall consist of the
34 following 17 members. Thirteen members shall be ap-

1 pointed by the Governor; 2 appointed by the Speaker
2 of the House; and 2 appointed by the President of the
3 Senate. Nine of the members appointed by the Gover-
4 nor must be private citizens who are nonproviders of
5 health care services. The Governor's appointees
6 shall serve 3-year terms, with no member serving more
7 than 2 consecutive full terms. There shall be 3
8 groups of gubernatorial appointees, with one group's
9 term expiring each year. The legislative officers'
10 appointees shall serve 2-year terms, coterminous with
11 the legislative term in which they are appointed.
12 Legislators may serve no more than 3 consecutive full
13 terms on the council.

14 2. Officers. The council shall elect a chair-
15 man and a vice-chairman annually. Only one of the 2
16 officers may be a provider of health care.

17 3. Compensation and reimbursement. Council mem-
18 bers shall be compensated in accordance with chapter
19 379.

20 §19104. Studies and reports

21 The council may conduct or commission studies and
22 reports on health policy matters.

23 §19105. Working relationships

24 In carrying out its responsibilities under this
25 chapter, the council shall maintain active liaison
26 with the Department of Human Services, Department of
27 Mental Health and Mental Retardation, other executive
28 branch agencies, the Legislature and consumer and
29 provider groups. The responsibilities of the council
30 shall in no way supplant the health care planning re-
31 sponsibilities of the Department of Human Services,
32 the Department of Mental Health and Mental Retarda-
33 tion and other executive branch agencies.

34 §19106. Annual reports

35 Each year, no later than December 15th, the coun-
36 cil shall report to the Governor, Commissioner of Hu-
37 man Services, Commissioner of Mental Health and Men-
38 tal Retardation and the Legislature, presenting:

1 1. Forecast. A forecast of significant health
2 care issues that are expected to face the State in
3 the next 5 years;

4 2. Agenda. An agenda of major health policy is-
5 ssues for the coming year; and

6 3. Findings. The council's findings on issues
7 it had raised in the previous year and on public and
8 private health care delivery and financing goals and
9 objectives.

10 §19107. Public participation and hearings

11 The council shall conduct at least 3 public meet-
12 ings a year in different geographic areas of the
13 State, seeking information and advice from individual
14 citizens and interested organizations and shall hold
15 at least one formal public hearing to obtain advice
16 from interested parties on the council's draft of the
17 annual report.

18 §19108. Staff

19 The council shall employ an executive director, a
20 comprehensive health planner II and a clerk typist
21 II.

22 §19109. Advisory committees

23 The council may from time to time appoint ad hoc
24 advisory committees to support its work in studying
25 particular health policy issues and public and pri-
26 vate health care delivery and financing goals and ob-
27 jectives. Membership on those committees shall re-
28 fect a balance of appropriate geographic, economic,
29 social, institutional and professional interests.

30 §19110. Funding

31 The cost of the council's mandated activities and
32 advisory committee meetings shall be paid from appro-
33 priations from the General Fund. The council may ac-
34 cept gifts and grants to support activities consist-
35 ent with the purposes of this chapter.

36 **Sec. 3. PL 1987, c. 498 is repealed.**

PART D

1

2 **Sec. 1. Joint select committee established.**

3

4

5

There is established the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

Sec. 2. Duties. The committee shall study the costs of providing benefits and compensation under the Workers' Compensation Act and the relationship of these costs to the incidence rate and severity of workplace injuries in the State, the benefit structure and administrative implementation of the Workers' Compensation Act, incentives to employers to implement safety measures under the insurance laws and any other factors which may influence the costs of providing benefits and compensation. The committee shall meet no more than 10 times and all members of the Joint Standing Committee on Labor and the Joint Standing Committee on Banking and Insurance shall meet once.

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

Sec. 3. Committee. The committee shall consist of 3 members from the Joint Standing Committee on Labor and 3 members from the Joint Standing Committee on Banking and Insurance. The President of the Senate shall appoint one Senator from the Joint Standing Committee on Labor and one Senator from the Joint Standing Committee on Banking and Insurance and the Speaker of the House shall appoint 2 Representatives from the Joint Standing Committee on Labor and 2 Representatives from the Joint Standing Committee on Banking and Insurance. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following passage of this Part and shall notify the Legislative Council in writing of their selections. The Chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members.

39

40

41

42

Sec. 4. Findings. The committee shall present its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature.

1 **Sec. 5. Compensation.** Legislative members of
2 the committee shall receive the legislative per diem
3 as defined in the Maine Revised Statutes, Title 3,
4 section 2, for days of attendance at committee meet-
5 ings. If the committee meets on a day when the Leg-
6 islatre is in session, legislative members shall re-
7 ceive only one legislative per diem on that day, but
8 may be reimbursed for all necessary expenses upon ap-
9 plication to the Executive Director of the Legisla-
10 tive Council.

11 **Sec. 6. Staff assistance.** The commission may
12 request staff assistance from the Legislative Coun-
13 cil. All agencies and departments of State Govern-
14 ment, including the Workers' Compensation Commission,
15 the Bureau of Labor Standards, the Commission on
16 Safety in the Maine Workplace and the Bureau of In-
17 surance, shall cooperate with the committee and shall
18 expeditiously provide the committee with the informa-
19 tion and materials that it needs to carry out the
20 purposes of this Part.

21 **Sec. 7. Appropriation.** The following funds are
22 appropriated from the General Fund to carry out the
23 purposes of this Part.

24 1987-88

25 LEGISLATURE

26 Joint Select Committee
27 to Study the Costs of
28 Providing Benefits and
29 Compensation under the
30 Workers' Compensation
31 Act.

32 Personal Services	\$4,400
33 All Other	6,500

34 Provides funds for
35 the per diem,
36 travel and miscel-
37 laneous expenses
38 of the Joint Se-
39 lect Committee to
40 Study the Costs of

1 Providing Benefits
2 and Compensation
3 under the Workers'
4 Compensation Act.

5
6 Total \$10,900

7 Sec. 8. Resolve 1987, c. 61 is repealed.

8 PART E

9 Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(34-A)
10 is enacted to read:

11 (34-A) Human Services Cancer Preven- Expenses 22 MRSA §1405
12 tion and Con- Only
13 trol Advisory
14 Committee

15 Sec. 2. 22 MRSA §1405 is enacted to read:

16 §1405. Cancer Prevention and Control Advisory Com-
17 mittee

18 The Cancer Prevention and Control Advisory Com-
19 mittee, established by Title 5, section 12004, sub-
20 section 10, shall be appointed by the commissioner
21 and shall consist of a committee of representatives
22 to serve as an advisory body to the Department of Hu-
23 man Services on the operation of the Cancer Registry
24 Program and on the development and maintenance of a
25 coordinated statewide approach to cancer prevention
26 and control.

27 The committee shall be solely advisory in nature,
28 except that the committee shall review and approve
29 requests for information from the Cancer Registry
30 Program's data base from outside of the Department of
31 Human Services.

32 The committee shall be composed of not less than
33 14 members. One half of the members shall be ap-
34 pointed by the Governor and 1/2 of the members shall
35 be appointed jointly by the President of the Senate
36 and the Speaker of the House. Members shall serve
37 for 3-year terms, except that initially 5 shall be

1 appointed for 3 years, 5 for 2 years and 4 for one
2 year. Members shall include individuals with train-
3 ing and experience in the following fields: Medi-
4 cine, M.D. or D.O.; oncology; medical and biological
5 sciences; hospital administration; nursing; medical
6 records administration; hospital tumor registry oper-
7 ations; health promotion and education; epidemiology;
8 and biometry. The 5 members initially appointed for
9 terms of 3 years and 2 of the members appointed for
10 one year shall be appointed by the Governor. The 5
11 members initially appointed for a term of 2 years and
12 2 of the members appointed for one year shall be ap-
13 pointed jointly by the President of the Senate and
14 the Speaker of the House. Members shall be compen-
15 sated according to Title 5, chapter 379. The commit-
16 tee shall meet at least once annually in Augusta.

17 Sec. 3. PL 1987, c. 380 is repealed.

18 PART F

19 Sec. 1. 26 MRSA §1401, first ¶, as amended by
20 PL 1983, c. 650, §3, is further amended to read:

21 There is created and established the Department
22 of Labor to achieve the most effective utilization of
23 the employment and training resources in the State by
24 developing and maintaining an accountable state em-
25 ployment and training policy, by insuring safe work-
26 ing conditions and protection against loss of income
27 and by enhancing the opportunities of individuals to
28 improve their economic status, to consist of a Com-
29 missioner of Labor appointed by the Governor, subject
30 to review by the joint standing committee of the Leg-
31 islatre having jurisdiction over labor and to con-
32 firmation by the Legislature, to serve at the plea-
33 sure of the Governor, and the following as is created
34 and established: The Unemployment Insurance Commis-
35 sion, the Bureau of Employment Security, the Bureau
36 of Labor Standards, the Bureau of Employment and
37 Training Programs, ~~the Maine Job Training Council~~ the
38 Human Resource Development Council, the Private In-
39 dustry Council staff, the Employment and Training
40 staff and such other advisory, planning and coordin-
41 ating council staff, and such other advisory, plan-
42 ning and coordinating committees as the commissioner
43 deems necessary to carry out the purposes of the

1 statute law.

2 Sec. 2. 26 MRSa §1401, sub-§2, ¶F, as repealed
3 and replaced by PL 1983, c. 650, §4, is repealed.

4 Sec. 3. 26 MRSa §2004, sub-§§1, 3 and 4, as en-
5 acted by PL 1983, c. 258, §1, is amended to read:

6 1. Budget. May review the budgets of grant reci-
7 pients and make written comments to the recipients,
8 its private industry council, the ~~State-Job-Training~~
9 ~~Coordinating-Council~~ Human Resource Development Coun-
10 cil, the Governor or the legislative committee having
11 jurisdiction over allocation of funds;

12 3. Plans, policies, standards. Shall review and
13 comment on all plans, policies and standards proposed
14 by any private industry council, the ~~State-Job-Train-~~
15 ~~ing--Coordinating--Council~~ Human Resource Development
16 Council, the Governor or any other agency under the
17 Act before final approval by the responsible agency;

18 4. Reports. Shall receive all reports prepared
19 by any private industry council, the ~~State-Job-Train-~~
20 ~~ing--Coordinating--Council~~ Human Resource Development
21 Council, the Governor or any other agency in connec-
22 tion with implementation of the Act;

23 Sec. 4. 26 MRSa §2005 is enacted to read:

24 §2005. Establishment of the Human Resource Develop-
25 ment Council

26 1. Responsibilities. The Human Resource Devel-
27 opment Council shall perform all duties and responsi-
28 bilities of the State Job Training Coordinating Coun-
29 cil as defined in the United States Job Training
30 Partnership Act, Section 122.

31 2. Purpose. The purpose of the Human Resource
32 Development Council is to enable the implementation
33 of state human resource development goals which in-
34 clude, but are not limited to:

35 A. Developing a multiagency cooperative ap-
36 proach;

1 B. Creating greater coordination between econom-
2 ic development and human resource development
3 agencies;

4 C. Enhancing employment and training services
5 for groups traditionally not part of the economic
6 mainstream;

7 D. Coordinating with secondary and
8 post-secondary educational systems to improve
9 transition from school to work; and

10 E. Increasing retraining and upgrading opportu-
11 nities for the State's workers.

12 3. Membership. The council shall be composed of
13 30 members appointed by the following and serving at
14 the pleasure of the appointing authority. Appoint-
15 ments, consistent with the requirements of the United
16 States Job Training Partnership Act, Section
17 122(a)(2), shall represent the following sectors.

18 The Governor shall appoint:

19 A. Ten representatives from the private sector.
20 Those members shall be chief executive officers
21 or executives who hold high-level management po-
22 sitions, including one current member from each
23 existing Private Industry Council who represents
24 the private sector;

25 B. Six representatives of state bodies. The
26 Commissioner of Labor, the Commissioner of Human
27 Services, the Commissioner of Educational and
28 Cultural Services and the Director of the State
29 Development Office shall also serve as members.
30 The 2 additional members shall each represent the
31 University of Maine System and the Maine Voc-
32 ational-Technical Institute System;

33 C. Six representatives from local government.
34 Those representatives shall be nominated by the
35 chief elected officials of their parent units of
36 local government; and

37 D. Six representatives of various public groups.
38 Those members shall represent the following

1 groups: A community-based organization, a local
2 education agency, a labor organization, the eli-
3 gible population and 2 representatives of the
4 general public; and

5 Two representatives of the Legislature shall serve on
6 the council: The Speaker of the House, or his desig-
7 nee; and the President of the Senate, or his desig-
8 nee.

9 4. Officers. The Governor shall appoint a
10 chairman and vice-chairman from the private sector
11 executive membership of the council to serve for a
12 one-year term. The Governor may reappoint officers.

13 5. Function and duties of the council. The
14 council shall carry out the following duties:

15 A. Following the general requirements of the
16 State Human Resource Development Policy, identi-
17 fy, in cooperation with appropriate state agen-
18 cies and other interested parties such as the
19 Private Industry Council, the employment and
20 training and vocational education needs through-
21 out the State;

22 B. Shall assess the extent to which employment
23 and training, vocational education, welfare re-
24 recipient job training, rehabilitation services,
25 public assistance, economic development and other
26 federal, state and local programs represent a
27 consistent, integrated and coordinated approach
28 to the delivery of those services;

29 C. Based on its assessment of the need for bet-
30 ter coordination of the delivery of services
31 listed in paragraph A, recommend to the Governor
32 and Legislature the "Human Resource Development
33 Coordination Criteria" affecting agencies in-
34 volved with human resource development. This
35 document shall contain the elements of the United
36 States Job Training Partnership Act, Section 121,
37 and shall also contain coordination requirements
38 derived from the State Human Resources Develop-
39 ment Policy.

40 The coordination requirements of the "Human Re-

1 source Development Coordination Criteria" shall
2 be communicated to affected state, federal and
3 local agencies through planning instructions is-
4 ssued by the Department of Labor;

5 D. Review the plans of all state agencies iden-
6 tified in the "Human Resource Development Coordi-
7 nation Criteria."

8 The council shall advise the Governor and Legis-
9 lature on these plans and certify the consistency
10 of such plans with the criteria contained in the
11 "Human Resource Development Coordination Crite-
12 ria."

13 The council shall also review and comment, annu-
14 ally, on the reports required pursuant to the
15 Carl D. Perkins Vocational Education Act of 1984,
16 Public Law 98-524, Sections 113(b)(9), 113(c)(1)
17 and 114(a)(1), as amended, and review and comment
18 on the state plan developed by the state employ-
19 ment service agency;

20 E. Recommend to the Governor an annual State Hu-
21 man Resource Development Plan, which shall de-
22 scribe the human resource development services
23 and numbers of participants to be served by all
24 agencies identified in the "Human Resource Devel-
25 opment Coordination Criteria;"

26 F. Review the operation of programs identified
27 in the State Human Resource Development Plan in
28 order to determine the responsiveness, adequacy
29 and coordination of such programs.

30 The council shall make recommendations to the
31 Governor, the Legislature and other interested
32 entities with respect to ways to improve the ef-
33 fectiveness of such programs;

34 G. Prepare an annual report to the Governor and
35 Legislature, which shall be a public document and
36 issue such other studies, reports or documents it
37 deems advisable in carrying out the purposes of
38 this section; and

39 H. Perform the following additional duties:

- 1 (1) Recommend to the Governor and Legisla-
2 ture substate service delivery areas;
- 3 (2) Recommend resource allocations under
4 the United States Job Training Partnership
5 Act, Titles I and II, that are not subject
6 to the United States Job Training Partner-
7 ship Act, Sections 202(a);
- 8 (3) Develop appropriate relationships with
9 other programs;
- 10 (4) Coordinate activities with Private In-
11 dustry Councils; and
- 12 (5) Recommend variations in performance
13 standards. Such recommendations shall be
14 contained in the "Human Resource Development
15 Coordination Criteria."

16 6. Powers. The council shall have the necessary
17 authority to carry out the purposes of this section.

18 7. Terms of members. One-third of the initial
19 gubernatorial appointments shall serve for a one-year
20 term and a 2nd 1/3 of the initial gubernatorial ap-
21 pointments shall serve for a 2-year term. The term
22 of the final 1/3 of such gubernatorial appointments
23 shall be 3 years.

24 Following the initial appointment, the Governor may
25 appoint members to additional 3-year terms. Members
26 shall serve until a successor is appointed. Selec-
27 tion shall be in a manner consistent with that of the
28 original appointment.

29 Legislative members shall serve for 2-year terms con-
30 current with legislative session.

31 8. Committee structure. The council shall cre-
32 ate standing committees to address specific problems
33 and issues and whose membership shall consist of up
34 to 12 members, of which 4 shall be noncouncil mem-
35 bers, excluding the planning and coordination and ex-
36 ecutive committees. The noncouncil committee members
37 shall be appointed by the chairman and shall include
38 representatives and clients of the services provided

1 by the various organizations subject to the council's
2 review and shall be sufficient to ensure fair repre-
3 sentation of those interests.

4 9. Meetings. The council shall meet at such
5 times and such places as it deems necessary. The
6 meetings shall be publicly announced and open to the
7 general public.

8 A majority of members of the council shall constitute
9 a quorum for the transaction of business.

10 10. Administration. The Department of Labor
11 shall be the fiscal agent for the council. Pursuant
12 to his authority under Title 5, subchapter I, as the
13 Commissioner of Labor may appoint such employees as
14 he deems necessary to carry out the State's responsi-
15 bility under this section.

16 The Commissioner of Labor is authorized to promulgate
17 rules, in accordance with the Maine Administrative
18 Procedure Act, Title 5, chapter 375, as may be neces-
19 sary to carry out the State's responsibility under
20 this section.

21 The council shall establish bylaws for its govern-
22 ance. Such bylaws shall be subject to the Governor's
23 approval.

24 The council shall replace the Maine Job Training
25 Council on or before July 1, 1987.

26 11. Compensation. Members of the council shall
27 receive no compensation for their services. Reim-
28 bursment of necessary expenditures incurred in the
29 performance of their duties on the council which are
30 allowed by state law shall be administered by the De-
31 partment of Labor with funds provided by the United
32 States Job Training Partnership Act or other federal
33 or state appropriations made pursuant thereto.

34 **Sec. 5. PL 1987, c. 471 is repealed.**

35 **PART G**

36 **Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(83-A)**
37 **is enacted to read:**

1 2. Qualifications. To be qualified to serve,
2 members must have education, training, experience,
3 knowledge, expertise and interest in transportation
4 matters. Members must be residents of different geo-
5 graphical areas of the State who reflect experiential
6 diversity and concern for transportation in the
7 State.

8 3. Term; vacancy. Members shall be appointed
9 for terms of 3 years, except that, of the members
10 first appointed, 5 shall be appointed for terms of 3
11 years, 5 shall be appointed for terms of 2 years and
12 5 shall be appointed for terms of one year, as desig-
13 nated by the Governor at the time of appointment.
14 Any member appointed to fill a vacancy occurring pri-
15 or to the expiration of the term for which a prede-
16 cessor was appointed shall be appointed only for the
17 remainder of that term. Members who are members of
18 the current Legislature and who are appointed by the
19 President of the Senate or the Speaker of the House
20 shall serve at their pleasure. Any vacancy in the
21 commission shall not affect its powers, but shall be
22 filled in the same manner by which the original ap-
23 pointment was made.

24 4. Reappointment; termination. Members shall be
25 eligible for reappointment for not more than 2 full
26 consecutive terms and may serve after the expiration
27 of their terms until their successors have been ap-
28 pointed, qualified and taken office. The appointing
29 authority may terminate the appointment of any member
30 of the commission for good cause and the reason for
31 the termination of each appointment shall be communi-
32 cated to each member so terminated. The appointment
33 of any member of the commission shall be terminated
34 if a member is absent from 3 consecutive meetings
35 without good cause that is communicated to the chair-
36 man. An official, employee, consultant or any other
37 individual employed, retained or otherwise compen-
38 sated by or representative of the Executive Branch of
39 State Government, other than the commissioner, shall
40 not be a member of the commission, but shall assist
41 the commission if so requested.

42 5. Chairman; officers. The commission shall
43 elect biennially the chairman from among its members.
44 The commission may elect such other officers from its

1 members as it deems appropriate.

2 §4503. Administrative authority

3 1. Meetings. The commission shall meet at the
4 call of the commissioner, who shall call meetings at
5 least twice within a calendar year.

6 2. Subcommittee. The commission may establish
7 subcommittees consisting of its own members to carry
8 out the purposes of this chapter.

9 3. Quorum. A majority of the commission members
10 shall constitute a quorum for the purpose of conduct-
11 ing the business of the commission and exercising all
12 the powers of the commission. A vote of the majority
13 of the members present shall be sufficient for all
14 actions of the commission.

15 A majority of any subcommittee shall also constitute
16 a quorum for the purposes of conducting the business
17 for which the subcommittee was established. A vote
18 of the majority of the subcommittee members present
19 shall be sufficient for all actions of the subcommit-
20 tee.

21 §4504. Duties

22 The commission shall:

23 1. Advise, consult and assist. Advise, consult
24 and assist the commissioner on activities of State
25 Government relating to transportation capital im-
26 provement planning. The commission shall be solely
27 advisory in nature. The commission shall not become
28 involved in the preparation or any aspect of the im-
29 plementation of the department's biennial transporta-
30 tion improvement program;

31 2. Prepare a transportation capital improvement
32 plan. Assist the department in the preparation of a
33 transportation capital improvement plan that identi-
34 fies long-range capital improvement needs for the
35 State's highways and bridges, ferries and related
36 facilities, cargo ports, airports, public buses and
37 related facilities and rail facilities. The capital
38 improvement plan shall only address needs that are of

1 a statewide significance. The needs to be addressed
2 shall exclude those items to be addressed in the de-
3 partment's current biennial transportation improve-
4 ment program. The capital improvement plan shall set
5 forth goals, objectives, schedules and a budget that
6 provides a balanced statewide response to the needs
7 identified. The plan shall be updated every 2 years;
8 and

9 3. Serve as advocate. Serve as advocate for the
10 public in promoting policies which address the long-
11 term transportation capital improvement needs of the
12 entire State.

13 Sec. 3. PL 1987, c. 484 is repealed.

14 PART H

15 Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶¶(15-A)
16 and (15-B) are enacted to read:

17 (15-A) Insurance Maine High-Risk Not Autho- 24-A MRSA
18 Insurance Organization rized \$6052
19

20 (15-B) Insurance Special Select Expenses 24-A MRSA
21 Commission on Only \$6071
22 Access to Health
23 Care

24 Sec. 2. 22 MRSA §396-D, sub-§9, ¶F is enacted to
25 read:

26 F. In determining payment-year financial re-
27 quirements, the commission shall include an ad-
28 justment for the hospital's assessment by the
29 Maine High-Risk Insurance Organization pursuant
30 to Title 24-A, section 6052, subsection 2.

31 Sec. 3. 22 MRSA §396-F, sub-§1, as enacted by PL
32 1983, c. 579, §10, is repealed and the following en-
33 acted in its place:

34 1. Charity care. The commission shall make pro-
35 vision for a reasonable amount of revenue deduction
36 attributable to charity care. For purposes of this
37 section, the amount of revenue deduction attributable

1 to charity care shall be defined as the amount of
2 revenue, net of recoveries, which is expected to be
3 written off as a result of a determination that the
4 patient is unable to pay for the hospital services
5 received, provided that the hospital's determination
6 is made pursuant to a policy which was adopted by the
7 hospital and filed with the commission and which is
8 consistent with reasonable guidelines established by
9 the commission in accordance with this section. The
10 commission shall adopt income guidelines which are
11 consistent with the current guidelines of the
12 Hill-Burton Program, at 42 Code of Federal Regula-
13 tions, Section 124.506, as revised as of October 1,
14 1986. The guidelines and policies shall include the
15 requirement that upon admission, or in cases of emer-
16 gency admission, before discharge of a patient, hos-
17 pitals shall investigate the coverage of the patient
18 by any insurance or state or federal programs of med-
19 ical assistance. If the hospital's services to the
20 patients are not covered by insurance or a medical
21 assistance program and the patient meets the finan-
22 cial guidelines established by the commission, the
23 services shall be provided as charitable care. This
24 section shall not prevent a hospital from establish-
25 ing a policy of charitable care which includes ser-
26 vices not included in this subsection, if permitted
27 by the commission's guidelines. In no event may hos-
28 pital services to a person who meets the financial
29 eligibility guidelines, adopted pursuant to this sec-
30 tion, be billed to the patient or to a municipality.

31 Sec. 4. 22 MRSA §4313, sub-§1, as enacted by PL
32 1983, c. 577, §1, is repealed and the following en-
33 acted in its place:

34 1. Emergency care. In the event of an admission
35 of an eligible person to the hospital, the hospital
36 shall notify the overseer of the liable municipality
37 within 5 business days of the person's admission. In
38 no event may hospital services to a person who meets
39 the financial eligibility guidelines, adopted pursu-
40 ant to section 396-F, subsection 1, be billed to the
41 patient or to a municipality.

42 Sec. 5. 24-A MRSA cc. 71 and 72 are enacted to
43 read:

1 this State who is eligible to receive benefits from
2 the organization.

3 8. Insurer. "Insurer" means any insurance compa-
4 ny authorized to transact health insurance business
5 in this State and any nonprofit hospital and medical
6 service corporation.

7 9. Medicaid. "Medicaid" means coverage under
8 the United States Social Security Act, Title XIX and
9 successors to it.

10 10. Medicare. "Medicare" means coverage under
11 the United States Social Security Act, Title XVIII.

12 11. Organization. "Organization" means the Maine
13 High-Risk Insurance Organization.

14 12. Plan or plan of operation. "Plan" or "plan
15 of operation" means the plan of operation of the or-
16 ganization, including articles, bylaws and operating
17 rules, adopted by the board.

18 13. Superintendent. "Superintendent" means the
19 Superintendent of Insurance.

20 §6052. Creation of the organization and board of di-
21 rectors

22 1. Organization established. The nonprofit enti-
23 ty to be known as the Maine High-Risk Insurance Orga-
24 nization, as established by Title 5, chapter 379,
25 shall provide health insurance to persons who are
26 otherwise unable to obtain health insurance for medi-
27 cal reasons, as determined by this chapter.

28 2. Reserve fund. A reserve fund shall be estab-
29 lished to pay any expenses and claims above premium
30 income. This reserve shall be funded by an assess-
31 ment on all revenues of all hospitals in the State.
32 The amount of the assessment shall be determined and
33 adjusted annually by the board and shall, in no
34 event, exceed .0015 of all hospitals' gross patient
35 services revenues, as determined by the Maine Health
36 Care Finance Commission. The assessments and expend-
37 itures of the organization shall be subject to legis-
38 lative approval.

1 3. Board of directors established. The Governor
2 shall appoint a board of directors for the organiza-
3 tion. The board shall be composed of 7 members. Six
4 of those members shall represent the following inter-
5 ests: Two members shall represent consumers of health
6 insurance who are not otherwise affiliated with the
7 provision or financing of health care; one member
8 shall represent domestic commercial insurers; one
9 member shall represent nonprofit hospital and medical
10 service organizations; one member shall represent
11 hospitals; and one member shall be the Superintendent
12 of Insurance, or his designee. Appointments shall be
13 for 5-year terms, except that no more than 2 members'
14 terms may expire in any one calendar year. Appoint-
15 ments for terms of less than 5 years may be made ini-
16 tially and to replace vacancies, if necessary, to
17 maintain the appropriate staggered terms of office.
18 The Governor shall designate the chairman of the
19 board. The chairman of the board shall schedule an
20 organizational meeting within 60 days of appointment.

21 §6053. Duties of the board of directors; reporting
22 requirements

23 The board of directors shall:

24 1. Establish a plan of operation. Establish a
25 plan of operation for the organization to assure the
26 fair, reasonable and equitable administration of the
27 organization, which may be amended as necessary;

28 2. Establish procedures. Establish procedures
29 for the handling and accounting of assets and money
30 of the organization;

31 3. Determine annual assessment. Determine the
32 amount of the annual assessment and any adjustment
33 needed at the end of each fiscal year;

34 4. Establish rates. Establish appropriate rates,
35 rate schedules, rate adjustments, expense allowances,
36 claim reserve formulas and any other actuarial func-
37 tion appropriate to the operation of the organiza-
38 tion;

39 5. Select administering insurer. Select an ad-
40 ministering insurer;

1 6. Develop and implement a program. Develop and
2 implement a program to publicize the existence of the
3 organization, the eligibility requirements and proce-
4 dures for enrollment and to maintain public awareness
5 of the organization, including furnishing all insur-
6 ance agents licensed in this State with a written ex-
7 planation of the organization and its operation; and

8 7. Report. Report to the joint standing commit-
9 tees of the Legislature having jurisdiction over ap-
10 propriations and financial affairs, insurance and hu-
11 man resources by February 1st of each year. The re-
12 port shall include the following:

13 A. Experience under the funding plan and recom-
14 mendations for further funding;

15 B. Experience regarding administrative costs and
16 recommendations regarding an amount of or the
17 need for a statutory cap;

18 C. Experience regarding the subsidy program and
19 recommendations for future aspects of the subsidy
20 program; and

21 D. An annual audited financial statement certi-
22 fied by an independent certified public account-
23 ant.

24 §6054. The authority of the organization

25 The organization shall have the general powers
26 and authority granted under the laws of this State to
27 insurance companies licensed to transact health in-
28 surance business and specific authority to:

29 1. Enter into contracts. Enter into contracts as
30 are necessary or proper to carry out the purposes of
31 this chapter, including the authority to enter into
32 contracts with similar agencies of other states for
33 the joint performance of common administrative func-
34 tions or with persons or other organizations for the
35 performance of administrative functions or for tech-
36 nical assistance;

37 2. Sue. Sue or be sued;

1 3. Take legal action. Take such legal action as
2 necessary to avoid the payment of improper claims
3 against the organization or the coverage provided by
4 or through the organization;

5 4. Receive premiums and assessments. Receive
6 premiums and assessments from hospital revenues; and

7 5. Issue insurance policies. Issue policies of
8 insurance in accordance with the requirements of this
9 chapter.

10 §6055. Administering insurer

11 1. Selection process. The board shall select an
12 insurer or insurers authorized to write health insur-
13 ance through a competitive bidding process to admin-
14 ister the organization. The board shall evaluate bids
15 submitted based on criteria established by the board
16 which includes:

17 A. The insurer's proven ability to handle indi-
18 vidual accident and health insurance;

19 B. The efficiency of the insurer's claim paying
20 procedures;

21 C. An estimate of total charges for administer-
22 ing the plan; and

23 D. The insurer's ability to administer the plan
24 in a cost efficient manner.

25 2. Term and subsequent appointment. Term and
26 subsequent appointment shall be structured as fol-
27 lows.

28 A. The administering insurer shall serve for a
29 period of 3 years, subject to removal for cause.

30 B. At least one year prior to the expiration of
31 the 3-year period of service by an administering
32 insurer, the board shall invite all insurers, in-
33 cluding the current administering insurer, to
34 submit bids to serve as the administering insurer
35 for the succeeding 3-year period. Selection of
36 the administering insurer for the succeeding pe-

1 riod shall be made at least 6 months prior to the
2 end of the current 3-year period.

3 3. Duties. The administering insurer shall:

4 A. Perform all eligibility and administrative
5 claims payment functions relating to the organi-
6 zation;

7 B. Establish a premium billing procedure for
8 collection of premiums from insured persons.
9 Billings shall be made on a periodic basis as de-
10 termined by the board;

11 C. Perform all necessary functions to assure
12 timely payment of benefits to covered persons un-
13 der the organization, including:

14 (1) Making available information relating
15 to the proper manner of submitting a claim
16 for benefits to the organization and dis-
17 tributing forms upon which submission shall
18 be made; and

19 (2) Evaluating the eligibility of each
20 claim for payment by the organization;

21 D. Submit regular reports to the board regarding
22 the operation of the organization, the frequency,
23 content and form of which shall be determined by
24 the board;

25 E. Following the close of each calendar year,
26 determine net written and earned premiums, the
27 expense of administration and the paid and in-
28 curring losses for the year and report this infor-
29 mation to the board on a form as prescribed by
30 the board; and

31 F. Be paid as provided in the plan of operation
32 for its expenses incurred in the performance of
33 its services.

34 §6056. Assessments

35 Each hospital's assessment shall be determined
36 annually by the board based on annual statements and

1 other reports deemed necessary by the board and filed
2 by the hospital with it.

3 If assessments exceed actual losses and adminis-
4 trative expenses, the excess shall be held at inter-
5 est and used by the board to offset future losses or
6 to reduce premiums. As used in this subsection, "fu-
7 ture losses" includes reserves for incurred but not
8 reported claims.

9 §6057. Eligibility

10 1. Eligibility. Any individual person who is a
11 resident of this State shall be eligible for organi-
12 zation coverage, except the following:

13 A. Persons eligible for health care under
14 Medicare or Medicaid;

15 B. Persons who have terminated coverage in the
16 organization, unless 12 months have elapsed;

17 C. Persons who have been paid the maximum life-
18 time benefit established pursuant to section
19 6058;

20 D. Inmates of public institutions;

21 E. Persons terminated for coverage of any insur-
22 ance plan because of nonpayment of premium; or

23 F. Persons eligible for conversion at a cost
24 less than the cost of the organization premium.

25 2. Termination. Any person who ceases to meet
26 eligibility requirements may be terminated at the end
27 of the policy period.

28 §6058. Benefits

29 1. General benefits. The organization shall of-
30 fer major medical expense coverage to every eligible
31 person, except that no more than 300 people may be
32 enrolled at any one time without prior legislative
33 approval. Major medical expense coverage offered by
34 the organization shall pay an eligible and enrolled
35 person's covered expenses, subject to limits on the

1 deductible and coinsurance payments authorized in
2 subsection 3 up to a lifetime limit of not less than
3 \$500,000 a covered individual.

4 The coverage offered by the organization shall not be
5 less than the benefits in a standard group plan and
6 shall include:

7 A. All benefits required by state law with re-
8 spect to group health policies subject to chapter
9 35;

10 B. Alternative care; and

11 C. Managed care, as defined by the board.

12 2. Factors affecting benefits. In establishing
13 the organization coverage, the board shall take into
14 consideration the levels of health insurance provided
15 in the State, medical economic factors as may be
16 deemed appropriate and promulgate benefit levels, de-
17 ductibles, coinsurance factors, exclusions and limi-
18 tations determined to be generally reflective of and
19 commensurate with health insurance provided through a
20 representative number of large employers in the
21 State.

22 3. Deductibles and coinsurance. The organization
23 coverage shall provide a deductible or a choice of
24 deductibles of not less than \$500 nor more than
25 \$1,000 a year per individual and coinsurance of 20%.
26 The coinsurance and deductibles, in the aggregate,
27 shall not exceed \$1,500 per individual nor \$3,000 a
28 family per year.

29 4. Preexisting conditions. Organization coverage
30 excludes charges or expenses, except as allowed in
31 paragraph A, B or C, incurred during the first 90
32 days following the effective date of coverage as to
33 any condition, which during the 90-day period immedi-
34 ately preceding the effective date of coverage, had
35 manifested itself in such a manner as would cause an
36 ordinarily prudent person to seek diagnosis, care or
37 treatment or for which medical advice, care or treat-
38 ment was recommended or received as to that condi-
39 tion.

1 A. The preexisting condition exclusions shall be
2 waived for those persons who enroll in the plan
3 during the first 6 months of the plan's opera-
4 tion. Persons enrolling after the first 6 months
5 will be subject to preexisting condition exclu-
6 sions.

7 B. The preexisting condition exclusions shall be
8 waived to the extent to which similar exclusions,
9 if any, have been satisfied under any prior
10 health insurance coverage which was involuntarily
11 terminated, provided that:

12 (1) Application for organization coverage
13 is made not later than 31 days following
14 that involuntary termination; and

15 (2) The individual is not eligible for a
16 conversion plan at a cost equal to or less
17 than the organization premium.

18 Coverage in the organization shall be effective
19 from the date on which the prior coverage was
20 terminated.

21 C. If an insured has paid out \$3,500 for
22 uncovered medical expenses, exclusive of the de-
23 ductible, during the 90-day waiting period, then
24 the remainder of the waiting period will be
25 waived for that insured.

26 5. Nonduplication of benefits. Benefits other-
27 wise payable under organization coverage shall be re-
28 duced by all amounts paid or payable through any other
29 health insurance or insurance arrangement and by
30 all hospital and medical expense benefits paid or
31 payable under any workers' compensation coverage, au-
32 tomobile medical payment or liability insurance,
33 whether provided on the basis of fault or nonfault,
34 and by any hospital or medical benefits paid or pay-
35 able under or provided pursuant to any state or fed-
36 eral law or program, except Medicaid.

37 The insurer or the organization shall have a cause of
38 action against an eligible person for the recovery of
39 the amount of benefits paid which are not for covered
40 expenses. Benefits due from the organization may be

1 reduced or refused as a setoff against any amount re-
2 coverable under this subsection.

3 §6059. Premiums

4 1. Reasonableness. Premiums charged for cover-
5 ages issued by the organization may not be unreason-
6 able in relation to the benefits provided, the risk
7 experience and the reasonable expenses of providing
8 the coverage.

9 2. Separate schedules. Separate schedules of
10 premium rates based on age, sex and geographical lo-
11 cation may apply for individual risks. Rates and
12 rate schedules may be adjusted for appropriate risk
13 factors, such as age and area variation in claim
14 cost, and shall take into consideration appropriate
15 risk factors in accordance with established actuarial
16 and underwriting practices.

17 3. Standard risk rate. The board shall deter-
18 mine the standard risk rate by calculating the aver-
19 age individual standard rate charged by the 5 largest
20 insurers offering coverages in the State comparable
21 to the organization coverage. In the event 5 insurers
22 do not offer comparable coverage, the standard risk
23 rate shall be established using reasonable actuarial
24 techniques and shall reflect anticipated experience
25 and expenses for the coverage. In no event may orga-
26 nization rates exceed 150% of rates applicable to the
27 standard risk rate.

28 4. Premium subsidy. The board shall make avail-
29 able a plan to subsidize premiums for those individu-
30 als who have been denied health insurance because of
31 a health condition and who meet income eligibility
32 requirements set by the board. The subsidy plan to be
33 paid from the General Fund shall not exceed \$50,000
34 in costs during the first 2 years of operation.

35 No subsidy may be given to a person if the premium
36 amount, after deducting the subsidy, is less than the
37 premium of any comparable individual health insurance
38 policy currently available to that person in the
39 State.

40 The board shall relate the experience of the subsidy

1 plan to the Legislature in the annual report and
2 shall make recommendations regarding the subsidy
3 plan.

4 §6060. Duty of health insurance agents and brokers
5 or insurers

6 1. Written notice. Any agent or broker licensed
7 to sell health insurance pursuant to chapter 17 shall
8 furnish written notification of the organization to
9 any individual:

10 A. Who has sought health insurance through the
11 agent; and

12 B. Who is not eligible for adequate health in-
13 surance other than through the organization.

14 Delivery to the individual of the written explanation
15 furnished by the board pursuant to section 6053 shall
16 satisfy this requirement. When coverage is sought
17 other than through an agent or broker, the insurer
18 shall provide the certification required by this sec-
19 tion.

20 2. Rules; penalties. Subject to the applicable
21 requirements and procedures of the Maine Administra-
22 tive Procedure Act, Title 5, chapter 375, subchapter
23 II, the superintendent shall adopt rules regarding
24 the notification process and penalties for violations
25 of this section.

26 §6061. Sunset provision

27 Unless continued or modified by law, the organi-
28 zation shall cease enrollments and renewals of par-
29 ticipants no later than June 30, 1991, and shall be
30 subject to review by the joint standing committees of
31 the Legislature having jurisdiction over audit and
32 program review and banking and insurance.

33 If either or both of the joint standing commit-
34 tees consider continuing the organization, the com-
35 mittee or committees shall consider methods of fund-
36 ing the reserve fund other than by an assessment on
37 hospitals. This consideration shall include funding
38 the reserve fund from the General Fund of the State.

1 CHAPTER 72

2 SPECIAL SELECT COMMISSION ON ACCESS
3 TO HEALTH CARE

4 §6071. Commission established

5 There is established a Special Select Commission
6 on Access to Health Care that shall investigate and
7 make proposals to assure access to adequate health
8 care for persons without adequate health insurance or
9 other coverage.

10 §6072. Membership; appointment; duties

11 1. Membership. The commission shall have 11
12 members as follows: One Senator; 2 Representatives;
13 one member representing providers of direct medical
14 care; one member representing health care institu-
15 tions; one member representing the health insurance
16 industry; one member representing nonprofit hospital
17 and medical service organizations; one member repre-
18 senting employers; one member representing labor; and
19 2 members representing consumers of health care who
20 are currently inadequately covered by insurance or
21 medical assistance programs.

22 2. Appointment. The members of the commission
23 shall be appointed by the Speaker of the House and
24 the President of the Senate.

25 3. Duties. The commission shall investigate and
26 make recommendations to the Governor, the Commission-
27 er of Human Services and the Legislature to assure
28 access to adequate health care for all citizens. The
29 commission's investigation shall include, but not be
30 limited to, a review of all Medicaid options in which
31 the State does not presently participate, and the
32 possibilities of private and public medical insurance
33 programs for people who cannot purchase their own in-
34 surance.

35 4. Staff and assistance. The Special Select
36 Commission on Access to Health Care may request techni-
37 cal and staff assistance from the Department of Hu-
38 man Services for the purposes of providing oversight
39 of the research needed by the commission's investiga-

1 tion. The Department of Human Services and the Bu-
 2 reau of Insurance shall give unrestricted access to
 3 their records, rules, policies and data, except for
 4 those items which are legally confidential.

5 Sec. 6. Appropriation. The following funds are
 6 appropriated from the General Fund to carry out the
 7 purposes of this Part.

8		<u>1987-88</u>	<u>1988-89</u>
9	<u>LEGISLATURE</u>		
10	Special Select Commis-		
11	sion on Access to		
12	Health Care		
13	Personal Services	\$ 990	\$ 990
14	All Other	3,300	5,200
15			
16	Total	<u>\$ 4,290</u>	<u>\$ 6,190</u>
17	<u>HUMAN SERVICES, DEPART-</u>		
18	<u>MENT OF</u>		
19	Health Care Benefits		
20	for Uninsured Individ-		
21	uals		
22	All Other	\$ 36,640	\$ 38,140
23	General Assistance -		
24	reimbursement to		
25	cities and towns		
26	All Other	(\$200,000)	(\$295,000)
27			
28	TOTAL HUMAN SERVICES,	<u></u>	<u></u>
29	DEPARTMENT OF	(\$163,360)	(\$256,860)
30	<u>MAINE HIGH RISK INSUR-</u>		
31	<u>ANCE ORGANIZATION</u>		
32	All Other		\$ 50,000

1 Sec. 7. Application. The sale of policies under
2 this Part shall take effect July 1, 1988.

3 Sec. 8. PL 1987, c. 347 is repealed.

4
5 PART I

6 Sec. 1. 5 MRSA §7002, sub-§3 is enacted to read:

7 3. Assistance to municipalities to generate economic growth. The director shall administer a program of assistance to municipalities to generate jobs and business development. Potential uses of this money include infrastructure development, planning and technical assistance, marketing and other types of capacity building.

8 A. This program may consist of a fund consisting of money derived from any general obligation bonds issued for the purposes of generating economic development and jobs. This fund with money not exceeding \$1,000,000 shall be administered by the State Development Office to provide assistance as defined in this subsection. Money available for the purpose of this subsection shall not be used to provide financial assistance to business.

9 B. At least 20% of the money available to implement this program shall be provided to opportunity zones pursuant to chapter 403.

10 Sec. 2. 5 MRSA §12004, sub-§10, ¶A, sub-¶(5-A)
11 is enacted to read:

12 (5-A) Economic
13 Development

14 Commission on Legislative 5 MRSA §15136
15 Job Opportunity Per Diem
16 Zones for Legis-
17 lative
18 Members
19 Only

20 Sec. 3. 5 MRSA c. 403 is enacted to read:

21 CHAPTER 403

1 JOB OPPORTUNITY ZONES ACT

2 §15131. Short title

3 This chapter shall be known and may be cited as
4 the "Job Opportunity Zones Act."

5 §15132. Findings

6 The creation of job opportunities for Maine citi-
7 zens is one of the highest priorities to maintain a
8 healthy and balanced economy. Certain parts of the
9 State do not enjoy the same level of economic devel-
10 opment as other areas. Differences in geographical
11 location, variations in the amount of natural or
12 built resources and population, among other factors,
13 have an impact on the ability of these areas to com-
14 pete in a global economy and expand job opportuni-
15 ties.

16 Recognizing the need to assist certain areas of
17 the State to address this economic disparity, it is
18 appropriate to establish a program of economic devel-
19 opment incentives targeted to areas of the State
20 which are not sharing in the economic growth or job
21 opportunities associated with that growth.

22 The responsibility for enhancing the development
23 potential of any area must be a partnership between
24 the locality and the State to create a local strate-
25 gy, build capacity, improve infrastructure and ser-
26 vices, identify and provide appropriate development
27 incentives and effectively market and promote the
28 community.

29 §15133. Purpose

30 Job opportunity zones are created to enhance the
31 partnership between the State and areas which are
32 found to be economically distressed or impacted by
33 sudden or severe dislocation of the economy. By
34 targeting state and local resources and selected in-
35 centives, within the context of a local economic de-
36 velopment strategy, job opportunity zones can be an
37 effective tool to encourage balanced economic growth.

38 §15134. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Commission. "Commission" means Commission on
5 Job Opportunity Zones.

6 2. Director. "Director" means the Director of
7 the State Development Office.

8 3. Office. "Office" means the State Development
9 Office.

10 4. Zone. "Zone" means a job opportunity zone.

11 §15135. Commission on Job Opportunity Zones

12 The Commission on Job Opportunity Zones, as es-
13 tablished by chapter 403, shall be composed of 10
14 voting members.

15 1. Appointment. The Speaker of the House and the
16 President of the Senate shall appoint 5 members to
17 the commission and the Governor also shall appoint 5
18 members.

19 2. Terms of office. Members appointed by the
20 Speaker of the House and the President of the Senate
21 shall serve at the pleasure of these appointing au-
22 thorities. The appointees of the Governor shall
23 serve at the pleasure of the Governor.

24 3. Chairmen. There shall be 2 cochairmen of the
25 commission. The Governor shall appoint one cochair-
26 man from among the gubernatorial appointees. The ap-
27 pointment of the chairmen from among the members ap-
28 pointed by the Speaker of the House and the President
29 of the Senate shall be made by the Speaker of the
30 House and the President of the Senate. The chairmen
31 shall serve at the pleasure of their respective ap-
32 pointing authorities.

33 4. Compensation. The members shall be compen-
34 sated in accordance with chapter 379.

35 5. Duties and responsibilities. the commission
36 shall review the implementation of this chapter and

1 assist the director in preparing reports. The com-
2 mission shall report to the Governor and the joint
3 standing committee of the Legislature having jurisd-
4 iction over economic development matters pursuant to
5 this chapter.

6 §15136. Designation of Job Opportunity Zones

7 The director may establish 4 demonstration zones
8 in economically distressed areas of the State as a
9 means of determining the effectiveness of such zones
10 as a tool for stimulating economic growth and devel-
11 opment.

12 1. Standards for zones. The director, by rules
13 adopted in accordance with the Maine Administrative
14 Procedure Act, Title 5, chapter 375, shall establish
15 standards for the selection of areas to be designated
16 as zones. The director shall consult with the com-
17 mission in the preparation of rules for the selection
18 of zones and the provision of assistance within those
19 zones. At a minimum, the director shall apply the
20 following standards.

21 A. All zones shall be economically distressed
22 areas as determined by the director. At a mini-
23 imum, the definition of distress includes areas
24 where the unemployment rate is at least 1.5 times
25 greater than the unemployment rate for the State,
26 as reported by the Department of Labor; the per
27 capita income is less than 80% of the per capita
28 income of the State; there is a significant de-
29 cline in the population; or there is a signifi-
30 cant decline in the labor force, as reported by
31 the Department of Labor.

32 (1) The level of general assistance by the
33 State and municipalities, as well as the
34 level of federal assistance to persons in
35 these zones, shall also be considered.

36 B. All areas wishing to be designated as zones
37 shall demonstrate actual or potential local ca-
38 capacity for economic development and the willing-
39 ness to cooperate with the office.

40 C. At least one zone shall be a sudden or se-

1 verely economically distressed area which shall
2 have experienced significant layoffs.

3 D. At least one zone shall be an urban zone,
4 comprising all or part of a municipality or a
5 collection of municipalities within the same geo-
6 graphical area, at least one of which has a popu-
7 lation greater than 10,000.

8 E. At least one zone shall be a rural zone, com-
9 prising a municipality or collection of munici-
10 palities within the same geographical area, no
11 one of which may have a population greater than
12 10,000.

13 F. At least one zone shall be designated as a
14 response to proposed economic development which
15 will ensure the retention or creation of job op-
16 portunities through the location or expansion of
17 an industry.

18 2. Duties and responsibilities of the director.
19 The director shall designate zones. The director, to
20 the fullest extent possible, shall inform communities
21 eligible for designation about the program, providing
22 technical assistance where necessary to communities
23 interested in pursuing this designation.

24 3. Review of program; report to Governor and
25 Legislature. The director shall report to the Gover-
26 nor and the joint standing committee of the Legisla-
27 ture having jurisdiction over economic development
28 matters his findings on regional economic distress
29 with suggestions for action which may alleviate this
30 economic distress. In cooperation with the commis-
31 sion, the director shall review and evaluate the op-
32 eration of these demonstration zones. This report
33 shall be presented no later than February 1st each
34 year and shall include the following:

35 A. The number, type and quality of the new jobs
36 created through the Opportunity Zone Program;

37 B. The number of jobs retained as a result of
38 the Opportunity Zone Program that would have been
39 otherwise lost without the targeted assistance of
40 this program;

1 C. Economic and community development activity
2 within the zone which is related to the designa-
3 tion as a zone; and

4 D. Any other results that the commission or the
5 director deems significant.

6 The director, in this report, shall present findings
7 and recommendations, including recommendations for
8 the extension, expansion or elimination of the Job
9 Opportunity Zone Program.

10 §15137. Determination of regional economic distress

11 The office shall analyze various regions and lo-
12 calities of the State in order to ascertain the level
13 of economic distress, the causes of that distress and
14 possible actions which may be undertaken to reduce or
15 eliminate the economic distress. This analysis of ec-
16 onomic distress shall include, at a minimum, unem-
17 ployment rate, per capita income, population decline,
18 decline in the labor force, the level of federal as-
19 sistance afforded to the population, the level of
20 general assistance afforded to the population, plant
21 closings or other significant reductions in employ-
22 ment opportunities, the dependence upon one primary
23 employer or industry within the region and other
24 standards which may measure economic distress and em-
25 ployment opportunities.

26 §15138. Assistance to job opportunity zones

27 Agencies of State Government shall cooperate to
28 assess the needs of zones and provide appropriate as-
29 sistance to these zones. There shall be a committee
30 composed of, at a minimum, the Director of the State
31 Development Office, Director of the State Planning
32 Office, Commissioner of Transportation, Commissioner
33 of Labor, Commissioner of Educational and Cultural
34 Services, Executive Director of the Maine Vocational-
35 Technical Institute System, Chief Executive Officer
36 of the Finance Authority of Maine and the Director of
37 the Maine State Housing Authority.

38 In special circumstances where it is deemed crit-
39 ical to meeting zone objectives, the director is au-
40 thorized to extend zone benefits to a business in a

1 contiguous community.

2 In order to achieve the purposes for which oppor-
3 tunity zones are established, the State Development
4 Office may apply the following programs of assist-
5 ance.

6 1. Planning and technical assistance. The of-
7 fice may provide planning, technical assistance and
8 resources to municipalities, regional development or-
9 ganizations serving the zone, persons, groups and
10 other interested entities to assist in the prepara-
11 tion of short-term and long-term goals, the prepara-
12 tion of implementation plans to achieve these goals
13 and determining approaches and identifying resources
14 which can promote economic growth and development in
15 each zone.

16 2. Small business assistance centers. The di-
17 rector may provide business development services,
18 particularly managerial and technical assistance, to
19 businesses in designated opportunity zones through
20 the Small Business Development Centers.

21 3. The Maine Job Development Program and Finan-
22 cial Assistance to Business. The Finance Authority of
23 Maine shall designate \$750,000 from the Maine Job De-
24 velopment Program Fund to be administered by the au-
25 thority and to be used to provide assistance to busi-
26 nesses in zones. This designation shall not be con-
27 strued to prohibit the use of additional funds from
28 this program to provide additional financial assist-
29 ance to eligible businesses in the zones. Such fi-
30 nancial assistance shall be offered by the Finance
31 Authority of Maine in cooperation with the State De-
32 velopment Office.

33 A. This fund may consist of money derived from
34 any general obligation bonds for the purpose of
35 generating business opportunities and jobs.

36 B. In implementing the Maine Job Development
37 Program, the Finance Authority of Maine and the
38 State Development Office and its successor shall
39 coordinate their activities and other resources
40 to the maximum extent possible.

1 4. The Maine Job Development Program; financial
2 assistance to municipalities in opportunity zones.
3 The State Development Office shall designate \$200,000
4 from the Maine Job Development Program Fund to be
5 provided to municipalities in opportunity zones.
6 This assistance shall be used to develop municipal
7 capacity to generate jobs and business development.
8 Potential uses of this money shall include, but not
9 be limited to, infrastructure development, planning
10 and technical assistance, marketing and other types
11 of capacity building.

12 Money available for the purpose of this subsection
13 shall not be used to provide financial assistance to
14 businesses.

15 5. Opportunity Zone Service Delivery System Pro-
16 gram. The Opportunity Zone Service Delivery System
17 Program shall be developed by the director to coordi-
18 nate development resources and services, including
19 the programs and services of the State Planning Of-
20 fice, the Finance Authority of Maine and the Maine
21 State Housing Authority which shall be targeted to
22 assist zones.

23 6. Opportunity Zone Human Resource Development
24 Program. The State Development Office shall coordi-
25 nate and target state and local government human re-
26 source development programs to each zone. The pro-
27 grams shall include, but not be limited to, educa-
28 tion, including vocational education; job training;
29 work incentive programs; and dependent care. Any of
30 these programs applied to opportunity zones shall use
31 funds appropriated by the Legislature to carry out
32 the purposes of this Part when other existing re-
33 sources are insufficient or unavailable.

34 7. Infrastructure Assistance Program. The of-
35 fice shall work with the Department of Transporta-
36 tion, the Department of Environmental Protection and
37 the Public Utilities Commission to develop an
38 infrastructure program for each zone. Such a program
39 shall include, but not be limited to, short-term and
40 long-term goals and a carefully designed plan of im-
41 plementation.

42 8. Exemption. Application for designation of

1 municipal development districts within zones shall be
2 exempted from the limitations on tax increment fi-
3 nanancing as stipulated in Title 30, section 4683, sub-
4 section 1, paragraph C, subparagraph (1). To that
5 end, municipal development district activities shall
6 not affect or be affected by limitations or activi-
7 ties within the county wherein the zone is located.

8 9. Assistance to communities, persons and enti-
9 ties. The director shall provide assistance to com-
10 munities, persons or entities in opportunity zones to
11 fund programs and activities to develop and implement
12 community economic development, business promotion
13 and marketing activities.

14 10. Grants for newly created jobs. Businesses
15 within the zones shall be eligible to receive direct
16 grants of up to \$1,250 for each new full-time quality
17 job created for a maximum of 200 jobs in all zones
18 per year. Businesses shall be eligible to receive
19 job grants for a period of 2 years from the date of
20 the designation of the zone. Total grants shall not
21 exceed a total of \$250,000 for all businesses within
22 all the zones in any single year. The grants pro-
23 vided pursuant to this subsection shall be made from
24 funds appropriated by the Legislature to carry out
25 the purposes of this Part.

26 A. The Finance Authority of Maine shall be re-
27 sponsible for the administration of the Job
28 Grants Program under this subsection. In admin-
29 istering this program, the Finance Authority of
30 Maine, in cooperation with the State Development
31 Office, shall adopt rules for the implementation
32 of this program. These rules shall:

33 (1) Establish criteria and the process by
34 which the amounts or sizes of grants shall
35 be determined and awarded. Eligible recipi-
36 ents of grants shall be provided with 50% of
37 the credit after a new position has been
38 filled for a period of 6 months. The re-
39 mainder of the job credit shall be made
40 available to the eligible recipient after
41 the position has been filled for one year;

42 (2) Define a quality job;

1 (3) Establish a ranking system with minimum
2 eligibility standards, including factors
3 such as full-time jobs; wages; job benefits,
4 including medical insurance, dependent care,
5 paid vacation and paid sick leave; and any
6 other standards deemed important by the Fi-
7 nance Authority of Maine and the State De-
8 velopment Office;

9 (4) Provide special consideration for jobs
10 created in manufacturing companies, natural
11 resource-based companies, as well as compa-
12 nies which contribute to the export base of
13 an opportunity zone and companies engaged in
14 the production of value-added products and
15 services; and

16 (5) Require companies applying for grants
17 to demonstrate their financial viability
18 which may include the use of the grant to
19 make them financially viable.

20 B. The State Development Office shall be respon-
21 sible for the promotion and packaging of applica-
22 tions for consideration by the Finance Authority
23 of Maine. The State Development Office shall
24 contract with the Finance Authority of Maine to
25 underwrite and administer the Job Grants Program
26 defined in this subsection. The contract shall
27 allow for the reimbursement of reasonable ex-
28 penditures associated with the administration of the
29 program.

30 §15139. Cooperation of state agencies

31 All state agencies shall cooperate with the State
32 Development Office and the State Planning Office and
33 expeditiously respond to their requests to undertake
34 the activities required by this chapter.

35 §15140. Evaluation

36 The commission, in cooperation with the State De-
37 velopment Office, shall seek independent professional
38 assistance to assist the commission to undertake an
39 objective evaluation of the program. This evaluation
40 shall be made available to the Governor and the joint

1 standing committee of the Legislature having juris-
2 isdiction over economic development, no later than Oc-
3 tober 1, 1989.

4 §15141. Sunset

5 This chapter shall be repealed on June 30, 1990,
6 unless reenacted by the Legislature.

7 Sec. 4. 10 MRSA c. 110, sub-c. VIII is enacted
8 to read:

9 SUBCHAPTER VIII

10 MAINE OPPORTUNITY ZONE

11 JOB GRANTS PROGRAM

12 §1100-S. Job grants program

13 The authority shall be responsible for the admin-
14 istration of the Maine Opportunity Job Grants Program
15 pursuant to Title 5, chapter 403

16 1. Cooperation with the State Development Of-
17 fice. In administering this program, the authority
18 shall cooperate with the State Development Office.
19 The authority and the State Development Office shall
20 adopt rules in accordance with the Maine Administra-
21 tive Procedure Act, Title 5, chapter 375, to imple-
22 ment this program. These rules shall:

23 A. Establish criteria and the process by which
24 the amounts or sizes of grants shall be deter-
25 mined and awarded. Eligible recipients of grants
26 shall be provided with 50% of the credit after a
27 new position has been filled for a period of 6
28 months. The remainder of the job credit shall be
29 made available to the eligible recipient after
30 the position has been filled for one year;

31 B. Define a quality job;

32 C. Establish a ranking system with minimum eli-
33 gibility standards, including factors such as
34 full-time jobs; wages; job benefits, including
35 medical insurance, dependent care, paid vacation,

1 paid sick leave; and any other standards deemed
2 important by the Finance Authority of Maine and
3 the State Development Office;

4 D. Provide special consideration for jobs cre-
5 ated in manufacturing companies, natural re-
6 sources based companies as well as companies
7 which contribute to the export base of an oppor-
8 tunity zone and companies engaged in the produc-
9 tion of value-added products and services; and

10 E. Require companies applying for grants to dem-
11 onstrate their financial viability which may in-
12 clude the use of the grant to make them finan-
13 cially viable.

14 Sec. 5. Allocation. The following funds having
15 been appropriated by the Legislature are hereby allo-
16 cated to carry out the purposes of this Part.

17 1987-88 1988-89

18 EXECUTIVE DEPARTMENT

19 State Development Office

20 All Other \$248,320 \$348,320

21 Funds for the fiscal
22 year 1987-88 are to
23 be used for
24 contractual ser-
25 vices to assist the
26 State Development
27 Office and the State
28 Planning Office to
29 conduct the review
30 and analysis re-
31 quired in this Part.
32 In addition, the
33 funds provided in
34 this allocation for
35 the 1987-89 biennium
36 may be used to fund
37 remedies as provided
38 in this Part.

1 LEGISLATURE

2 Commission on Job Oppor-
3 tunity Zones

4	Personal Services	\$	880	\$	880
5	All Other		880		880
6					
7	Total		<u>\$ 1,760</u>		<u>\$ 1,760</u>

8 Provides funds for
9 per diem and ex-
10 penses for Legisla-
11 tors appointed to
12 the Commission on
13 Job Opportunity
14 Zones.

15					
16	TOTAL ALLOCATIONS		<u>\$250,080</u>		<u>\$350,080</u>

17 Sec. 6. PL 1987 c. 500 is repealed.

18 PART J

19 Sec. 1. Aroostook County Detention Facility
20 Study Committee. An Aroostook County Detention Fa-
21 cility Study Committee shall be composed of the fol-
22 lowing members: Two Senators appointed by the Presi-
23 dent of the Senate; 5 Representatives to be appointed
24 by the Speaker of the House; one Aroostook County
25 Commissioner and 3 members of the public appointed
26 jointly by the President of the Senate and Speaker of
27 the House; the Aroostook County Sheriff, or his des-
28 ignee, and the District Attorney serving Aroostook
29 County, or his designee.

30 The chairman shall be designated from among the
31 membership jointly by the President of the Senate and
32 the Speaker of the House.

33 The appointing authorities shall notify the Exec-
34 utive Director of the Legislative Council of the ap-
35 pointments.

36 The members may meet in Aroostook County. They
37 shall be compensated for actual expenses from the

1 county contingency fund.

2 The committee shall undertake a comprehensive
3 study of the feasibility and practicality of provid-
4 ing detention facility services for Aroostook County
5 by private contract, including: The scope and nature
6 of services to be provided; the cost and methods of
7 funding; the necessary revisions of law or rule re-
8 quired; the methods of reviewing, administering and
9 accounting for these services and the source, means
10 and amount of funding.

11 The committee may make recommendations to the
12 county delegation.

13 Sec. 2. P&SL 1987, c. 46 is repealed.

14 PART K

15 Sec. 1. 5 MRSA §12004, sub-§1, ¶A, sub-¶(27-A)
16 is enacted to read:

17	<u>(27-A)</u>	<u>Therapeutic</u>	<u>Legislative</u>	<u>32 MRSA</u>
18		<u>Pharmaceutical</u>	<u>Per Diem</u>	<u>§2428</u>
19		<u>Monitoring Panel</u>		

20 Sec. 2. 32 MRSA §2411, sub-§1, ¶A, as enacted by
21 PL 1975, c. 563, §1, is repealed and the following
22 enacted in its place:

23 A. The examination of the eye and related struc-
24 tures without the use of surgery or other
25 invasive techniques to ascertain defects, abnor-
26 malities or diseases of the eye;

27 Sec. 3. 32 MRSA §2411, sub-§1, ¶C, as enacted by
28 PL 1975, c. 563, §1, is repealed and the following
29 enacted in its place:

30 C. The correction, treatment or referral of vi-
31 sion problems and ocular abnormalities by the
32 prescribing, adapting and application of ophthal-
33 mic lenses, devices containing lenses, prisms,
34 contact lenses, orthoptics, vision therapy,
35 ocular pharmaceutical agents and prosthetic de-
36 vices and other optical aids, and by using other
37 corrective procedures to preserve, restore or im-

1 prove vision, excluding invasive, laser or other
2 surgery;

3 Sec. 4. 32 MRSA §2411, sub-§3, as repealed and
4 replaced by PL 1975, c. 563, §1, is repealed and the
5 following enacted in its place:

6 3. Pharmaceutical agents. "Pharmaceutical
7 agents" means topical medicinal diagnostic and
8 therapeutical substances for use in the diagnosis,
9 cure, treatment or prevention of ocular disease.

10 Sec. 5. 32 MRSA §2411, sub-§§4 and 5 are enacted
11 to read:

12 4. Diagnostic pharmaceuticals. "Diagnostic
13 pharmaceuticals" means those pharmaceutical agents
14 required to detect and diagnose an abnormal condition
15 or eye disease.

16 5. Therapeutic pharmaceuticals. "Therapeutic
17 pharmaceuticals" means those pharmaceutical agents
18 required to prevent, manage or treat abnormal ocular
19 conditions or diseases, excluding glaucoma.

20 Nothing in this section may be construed to permit
21 the optometric use of pharmaceutical agents which
22 are:

23 A. Controlled substances as described in the
24 United States Code, Title 21, Section 812;

25 B. Any pharmaceutical agent administered by
26 subdermal injection, intramuscular injection,
27 intravenous injection, subcutaneous injection or
28 retrobulbar injections; and

29 C. Any pharmaceutical agent for the specific
30 treatment of a systemic disease.

31 Notwithstanding any other provision of this Act, an
32 optometrist may dispense, prescribe and administer
33 nonlegend agents.

34 Sec. 6. 32 MRSA §2413 is enacted to read:

35 §2413. Standard of care

1 An optometrist authorized to use pharmaceutical
2 agents for use in the diagnosis, cure, treatment or
3 prevention of ocular disease shall be held to the
4 same standard of care in diagnosis, use of such
5 agents and treatment as that degree of skill and pro-
6 iciency commonly exercised by a medical practitioner
7 in the same community.

8 **Sec. 7.** 32 MRSA §2417, sub-§3, ¶D, as enacted by
9 PL 1973, c. 788, §156, is repealed and the following
10 enacted to read:

11 D. Advice for medical treatment or referral, or
12 both;

13 **Sec. 8.** 32 MRSA §2417, sub-§4, ¶D is enacted to
14 read:

15 D. For pharmaceutical agents:

16 (1) Patient's name;

17 (2) Date;

18 (3) Name, quantity and dosage of drugs;

19 (4) Number of refills;

20 (5) Name of prescriber;

21 (6) Drug license number of prescriber;

22 (7) A sequential number; and

23 (8) The prescriber's directions for usage.

24 Sale of pharmaceutical agents by an optometrist
25 is prohibited.

26 **Sec. 9.** 32 MRSA §2419 as amended by PL 1983, c.
27 378, §26, is repealed.

28 **Sec. 10.** 32 MRSA §2419-A is enacted to read:

29 §2419-A. Licensure for use of therapeutic pharmaceu-
30 tical agents

1 Use of therapeutic pharmaceutical agents by an
2 optometrist requires a therapeutic license from the
3 State Board of Optometry. Licensure shall require a
4 review of credentials by the State Board of Optome-
5 try, including the successful completion of a tran-
6 script quality course in general and ocular pharma-
7 cology. A transcript quality course means a course
8 which is given by a regional or professional accred-
9 iting organization approved by the Council on
10 Post-secondary Accreditation of the United States De-
11 partment of Education and approved by the State Board
12 of Optometry. The board shall require a course which
13 includes a minimum of 100 hours of ocular
14 therapeutics, including at least 25 hours of super-
15 vised clinical training, in the examination, diagno-
16 sis and treatment of conditions of the eye and
17 adnexa. Any such course shall include participation
18 by an ophthalmologist.

19 The board shall also require an applicant to suc-
20 cessfully complete a graded written examination, ad-
21 ministered by the State Board of Optometry or the Na-
22 tional Board of Examiners in Optometry, demonstrating
23 competency in the use of therapeutic pharmaceutical
24 agents.

25 Sec. 11. 32 MRSA §2422, as amended by PL 1975,
26 c. 563, §3, is further amended to read:

27 §2422. Examination; fees; registration

28 Except as provided in section 2424, every person
29 before beginning the practice of optometry in this
30 State shall pass an examination before the board. At
31 the discretion of the board, such examination may
32 consist of tests in basic sciences; in anatomy and
33 physiology of the eye; pathology; practical, theoret-
34 ical and physiological optics; practical and theoret-
35 ical optometry; clinical diagnosis and therapeutics;
36 and such other phases of optometric knowledge and
37 skill as the board may deem essential. The board
38 shall include an examination on the subject of gener-
39 al and ocular pharmacology as it relates to optometry
40 and the use of ~~topically-applied-diagnostic-drugs~~
41 pharmaceutical agents for all new applicants for a
42 certificate of registration and license. ~~Presently~~
43 ~~licensed-optometrists-shall-be-permitted-to-use-diag-~~

1 ~~nostic-drugs-only-if-they-obtained-a-diagnostic--drug~~
2 ~~license-under-section-2427.~~ Any person, having signi-
3 fied to said the board his desire to be examined,
4 shall appear before the board at such time and place
5 as they may designate and, before such examination,
6 shall pay to said the board a sum not in excess of
7 \$100, as established by the board. All persons suc-
8 cessfully passing such examination shall be regis-
9 tered, in a record which shall be kept by the secre-
10 tary of said the board, as licensed to practice op-
11 tometry and shall receive a certificate of such reg-
12 istration issued by said the board.

13 1. Requirement. All applicants for a
14 therapeutic pharmaceutical license under this section
15 shall submit proof of:

16 A. Satisfactory completion of a course in gener-
17 al and ocular pharmacology with particular empha-
18 sis on the application and use of pharmaceutical
19 agents for the purpose of examination, diagnosis
20 and treatment of conditions of the eye and its
21 adnexa. The course shall constitute a minimum of
22 100 hours of ocular therapeutics, including at
23 least 25 hours of supervised clinical training
24 and shall be taught by an accredited institution
25 and approved by the board; or

26 B. Graduation from an accredited optometric in-
27 stitution and passing an examination on
28 therapeutic pharmaceuticals administered by the
29 National Board of Examiners in Optometry; and

30 C. Completion of one year of acceptable practice
31 as a licensed optometrist.

32 Sec. 12. 32 MRSA §2425, as enacted by PL 1973,
33 c. 788, §156, is amended to read:

34 §2425. Display of certificates

35 Every person to whom a certificate of registra-
36 tion and current certificate of annual license renew-
37 al are granted shall display the same in a conspicu-
38 ous part of his office wherein the practice of optom-
39 etry is conducted. Optometrists awarded credentials
40 by the board in the use of diagnostic and therapeutic

1 pharmaceuticals are required to affix current docu-
2 mentation of these privileges to their registration
3 as provided by the board upon annual license renewal.

4 **Sec. 13.** 32 MRSA §2426, first paragraph, as en-
5 acted by PL 1973, c. 788, §156, is amended to read:

6 All optometrists now or hereafter licensed in the
7 State of Maine shall be required to take annual
8 courses in subjects related to the practice of the
9 profession of optometry, to the end that the utiliza-
10 tion and application of new techniques, scientific
11 and technical advances, the use of pharmaceutical
12 agents and treatment of ocular diseases and the
13 achievements of research will assure comprehensive
14 vision care to the public. The length of study shall
15 be determined by the board, but in no event shall it
16 be less than 15 hours nor exceed 20 hours in any cal-
17 endar year. Optometrists authorized to use
18 therapeutic pharmaceutical agents shall complete, as
19 part of their annual course work, 5 or more hours of
20 approved transcript quality course work in ocular
21 pharmacology, diagnosis and treatment of ocular dis-
22 ease. Attendance must be at a course or courses ap-
23 proved by the board and is to be certified to the
24 board upon a form provided by the board and shall be
25 submitted by each optometrist at the time he makes
26 application to the board for the renewal of his li-
27 cense and shall accompany the annual renewal fee. The
28 board shall notify all optometrists licensed in this
29 State of all courses approved by it at least 15 days
30 prior to the offering of such course. The board is
31 authorized to use up to 1/2 of its annual renewal
32 fees for the purpose of contracting with institutions
33 of higher learning, professional organizations or
34 qualified individuals for the providing of education-
35 al programs approved by the board.

36 **Sec. 14.** 32 MRSA §2427, as amended by PL 1983,
37 c. 378, §28, is repealed.

38 **Sec. 15.** 32 MRSA §2428 is enacted to read:

39 §2428. Therapeutic Pharmaceutical Monitoring Panel

40 1. Panel established. There is created a
41 Therapeutic Pharmaceutical Monitoring Panel.

1 2. Membership. The panel shall consist of 5
2 members to be appointed as follows:

3 A. One licensed optometrist appointed by the
4 State Board of Optometry;

5 B. One licensed ophthalmologist appointed by the
6 Board of Registration in Medicine;

7 C. One member of the Senate, who shall also be a
8 member of the joint standing committee of the
9 Legislature having jurisdiction over business
10 legislation or the joint standing committee of
11 the Legislature having jurisdiction over human
12 resources, to be appointed by the President of
13 the Senate;

14 D. One member of the House of Representatives,
15 who shall also be a member of the joint standing
16 committee of the Legislature having jurisdiction
17 over business legislation or the joint standing
18 committee of the Legislature having jurisdiction
19 over human resources, to be appointed by the
20 Speaker of the House; and

21 E. A licensed physician with a specialty in in-
22 ternal medicine, appointed by the Board of Regis-
23 tration in Medicine.

24 Appointments shall be made within 30 days after this
25 Part becomes effective. Notification of all appoint-
26 ments shall be made to the Board of Optometry and the
27 Board of Registration in Medicine and these boards
28 shall jointly call the first meeting of the panel
29 within 30 days of this notification.

30 3. Staff. The panel may employ and prescribe
31 the duties of other personnel as the board deems nec-
32 essary.

33 4. Reports. Reports of side effects or ineffec-
34 tive drugs and investigation of drug misuse shall be
35 as follows.

36 A. All optometrist shall retain records of each
37 use or application of any pharmaceutical agent
38 and shall provide a report of all uses to the

1 panel every 3 months, commencing on June 30,
2 1988.

3 B. All optometrists and ophthalmologists shall
4 report to the panel each instance in which a pa-
5 tient administered a therapeutic pharmaceutical
6 agent experiences a clinically significant
7 drug-induced side effect. The panel shall report
8 each such instance either to the Board of Regis-
9 tration in Medicine if the instance involves an
10 ophthalmologist or the State Board of Optometry
11 if the instance involves an optometrist.

12 C. The panel shall also investigate complaints
13 concerning misuse of ocular pharmaceutical agents
14 by optometrists or ophthalmologists and shall
15 forward the results of that investigation of an
16 ophthalmologist to the Board of Registration in
17 Medicine or the results of that investigation of
18 an optometrist to the State Board of Optometry
19 with its recommendation.

20 5. Recommendations. The panel may make recommen-
21 dations to the State Board of Optometry and the State
22 Board of Registration in Medicine at such times and
23 on such subjects related to therapeutic pharmaceuti-
24 cal agents as it deems appropriate.

25 6. Report to the Legislature and Governor. The
26 panel shall prepare and submit reports to the Gover-
27 nor, the President of the Senate, the Speaker of the
28 House, the State Board of Optometry and the State
29 Board of Registration in Medicine. The reports shall
30 summarize the findings of the panel regarding the use
31 of therapeutic pharmaceutical agents and shall be
32 signed by all members of the panel. A report shall
33 be submitted on the following dates: June 30, 1988;
34 January 30, 1989; June 30, 1989; and January 30,
35 1990.

36 7. Budget. All expenses of this panel shall be
37 paid by the State Board of Optometry and the State
38 Board of Registration in Medicine on an equal basis.
39 The panel shall submit to the Board of Optometry its
40 budgeting requirements in the manner and time pre-
41 scribed by that board.

1 8. Sunset. This section is repealed on May 15,
2 1990.

3 Sec. 16. 32 MRSA §2431-A, sub-§2, ¶10, as enacted
4 by PL 1983, c. 378, §30, is amended to read:

5 O. Failure to display a diagnostic or
6 therapeutic drug license issued under ~~section~~
7 2427 section 2419-A or 2425; or

8 Sec. 17. 32 MRSA §2441, as enacted by PL 1973,
9 c. 788, §156, is amended to read:

10 §2441. Penalties

11 Whoever engages in the practice of optometry in
12 this State, without first having been duly registered
13 as provided in sections 2421 and 2424, ~~shall be~~
14 ~~deemed guilty of a misdemeanor and~~ shall be punished
15 by a fine of not less than \$50 \$250 nor more than
16 ~~\$200~~ \$1,000. To open an office for the purpose of
17 practicing optometry or to announce to the public in
18 any way an intention to practice optometry in any
19 county in the State shall be prima facie evidence of
20 engaging in the practice of optometry within the
21 meaning of this section.

22 Sec. 18. 32 MRSA §2446, as amended by PL 1977,
23 c. 564, §121, is further amended to read:

24 §2446. Drugs

25 Any optometrist who uses ~~diagnostic drugs pharma-~~
26 ~~ceutical agents,~~ without first having obtained a li-
27 ~~cence under section 2427 or being duly registered as~~
28 ~~provided in section 2421 and 2424 after October 1,~~
29 ~~1975,~~ 2419-A shall be deemed guilty of a misdemeanor
30 and shall be punished by a fine of not less than \$50
31 nor more than \$200.

32 The board further reserves the right to review
33 performances and remove a therapeutic drug license,
34 as outlined in section 2431-A or if the licensee
35 fails to comply with the requirements in section
36 2426.

37 Sec. 19. Allocation. The following funds are

1 allocated from Other Special Revenue Funds to carry
2 out the purposes of this Part.

3 1987-88 1988-89

4 PROFESSIONAL AND FINANCIAL
5 REGULATION, DEPARTMENT OF

6 Therapeutic Pharmaceutical
7 Monitoring Panel

8 Personal Services \$1,100 \$1,100

9 All Other 1,000 1,000

10

11 Total \$2,100 \$2,100

12 Sec. 20. PL 1987, c. 439 is repealed.

13 Emergency clause. In view of the emergency cited
14 in the preamble, this Act shall take effect when ap-
15 proved.

16 STATEMENT OF FACT

17 The purpose of this bill is to make study commis-
18 sions and other agencies enacted in the First Regular
19 Session of the 113th Legislature effective immediate-
20 ly. Affected agencies are:

21 1. Part A, the Commission on the Feasibility of
22 Constructing a Highway to the St. John Valley;

23 2. Part B, the Commission on Maine's Future;

24 3. Part C, the Maine Health Policy Advisory
25 Council;

26 4. Part D, the Joint Select Committee to Study
27 Cost of Providing Benefits and Compensation under the
28 Workers' Compensation Act;

29 5. Part E, the Cancer Prevention and Control Ad-
30 visory Committee;

31 6. Part F, the Human Resource Development Coun-

1 cil;

2 7. Part G, the Maine Transportation Capital Im-
3 provement Planning Commission;

4 8. Part H, the Special Select Commission on Ac-
5 cess to Health Care;

6 9. Part I, the Commission on Job Opportunity
7 Zones;

8 10. Part J, the Aroostook County Detention Fa-
9 cility Study Commission; and

10 11. Part K, the Therapeutic Pharmaceutical Moni-
11 toring Panel.

12

3700062987