

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2407

H.P. 1743

House of Representatives, March 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Representative FOSTER of Ellsworth, Senator EMERSON of Penobscot and Senator ANDREWS of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

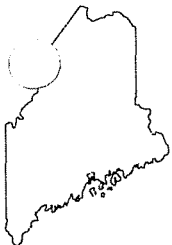
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**An Act to Dedicate Funds to Ensure Access to Health Care.**

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(AFTER DEADLINE)

(EMERGENCY)



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

Whereas, over 130,000 people in the State lack health insurance and considerably more face other barriers to access to health care; and

Whereas, this Legislature enacted legislation in the first regular session that created several programs designed to provide health care, or to improve access to health care for persons who are currently inadequately cared for; and

Whereas, those programs are in jeopardy if the funding for them is not ensured; and

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

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

Sec. 1. 5 MRSA §1517 is enacted to read:

§1517. Health Care Access Fund

1. Fund established. The Health Care Access Fund is established to increase the availability of health care in this State. Amounts in this fund are derived from revenues transferred as provided in Title 36, sections 1764, 1811 and 4365.

2. Disbursements. Allocations may be made from the fund to provide funds for:

A. Community health program grants;

B. The Maine Health Program;

C. The Hospital Uncompensated Care and Governmental Payment Shortfall Fund;

D. In fiscal year 1990-91, reimbursement to health care providers to increase access to health care for Medicaid recipients;

E. In fiscal year 1990-91, expansion of Medicaid eligibility under the Sixth Omnibus Budget Reconciliation Act option to children 5 to 7 years of age in households with income to 100% of the federal poverty level; or

2           F. In fiscal year 1990-91, the Commission to Study the  
4           Certificate of Need Law and the Impact of Competitive Market  
              Forces on Ambulatory Health Services.

6           3. Carry-forward. Funds in the Health Care Access Fund may  
8           not lapse, but must be carried forward until June 30, 1992.

Sec. 2. 36 MRSA §1764, as amended by PL 1989, c. 508, §12  
10           and c. 588, Pt. B, §3, is further amended by adding at the end a  
12           new paragraph to read:

The State Treasurer shall segregate the revenue generated  
14           from transactions involving watercraft and transfer that revenue  
16           to the Health Care Access Fund established in Title 5, section  
              1517. This paragraph is repealed on June 30, 1992.

18           Sec. 3. 36 MRSA §1811, amended by PL 1989, c. 533, §§10 and  
20           14 and c. 588, Pt. B, §2, is further amended by adding after the  
              first paragraph a new paragraph to read:

22           The State Treasurer shall segregate the revenue generated by  
24           the tax on liquor sold in licensed establishments in excess of 5%  
              on the value of that liquor and transfer that revenue to the  
26           Health Care Access Fund established in Title 5, section 1517.  
              This paragraph is repealed on June 30, 1992.

28           Sec. 4. 36 MRSA §4365, as amended by PL 1989, c. 588, Pt. D,  
30           §1, is further amended by adding after the first paragraph a new  
              paragraph to read:

32           The State Treasurer shall segregate and transfer to the  
34           Health Care Access Fund established in Title 5, section 1517, the  
              revenue generated by any increase in the tax effective on or  
36           after October 1, 1989. This paragraph is repealed on June 30,  
              1992.

38           Sec. 5. PL 1989, c. 588, Pt. A, §61 is repealed.

40           Sec. 6. Allocation. The following funds are allocated from the  
42           Health Care Access Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Bureau of Health</b>		
All Other	\$500,000	\$1,200,000

50

2 Provides funds for community  
3 health program grants to be  
4 awarded beginning May 1, 1990.

6 **Medical Care - Payments to Providers**

8 All Other \$675,000 \$833,000

10 Provides funds for an  
11 increase in Medicaid  
12 reimbursement to providers  
13 to increase access to health  
14 care for Medicaid recipients.

16 **Medical Care - Payments to Providers**

18 All Other \$115,168 \$334,245

20 Provides state funds for the  
21 expansion of Medicaid  
22 eligibility under the Sixth  
23 Omnibus Budget Reconciliation  
24 Act option to children 5 to 7  
25 years old in households with  
26 income to 100% of the federal  
poverty level.

28 **Maine Health Program**

30 All Other \$9,946,885

32 Provides funds for the Maine  
33 Health Program.

34 **Medical Care Administration**

36 Positions (1.5) (9)

38 Personal Services \$53,000 \$189,000

40 All Other 88,000 41,513

Capital Expenditures 9,000 48,000

42 TOTAL \$150,000 \$278,513

44 Provides funds for the  
45 development and  
46 administration of the Maine  
47 Health Program and costs  
48 related to the Maine Health  
49 Program Advisory Committee.

50

2	<b>Income Maintenance - Regional</b>		
4	Positions		(17)
4	Personal Services		\$357,000
6	All Other		43,643
6	Capital Expenditures		22,100
8	TOTAL		<u>\$422,743</u>
10	Provides funds for additional		
12	staff and related expenses to		
14	implement and administer the		
	provisions of the Maine		
	Health Program.		
16	<b>DEPARTMENT OF HUMAN SERVICES</b>		
	<b>TOTAL</b>	<u>\$1,440,168</u>	<u>\$13,015,386</u>
18	<b>MAINE HEALTH CARE FINANCE</b>		
20	<b>COMMISSION</b>		
22	<b>Health Care Finance Commission</b>		
24	All Other		\$5,324,071
26	Provides funds for the		
28	Hospital Uncompensated Care		
	and Governmental Payment		
	Shortfall Fund.		
30	<b>MAINE HEALTH CARE FINANCE</b>		
32	<b>COMMISSION</b>		
	<b>TOTAL</b>		<u>\$5,324,071</u>
34	<b>LEGISLATURE</b>		
36	<b>Commission to Study the</b>		
38	<b>Certificate of Need Law and the</b>		
40	<b>Impact of Competitive Market</b>		
	<b>Forces on Ambulatory Health</b>		
	<b>Services</b>		
42	Personal Services	\$1,485	\$825
44	All Other	4,950	1,250
46	Provides funds for per diem		
	for legislative members and		

2 expenses for other members of  
the study commission.

4	<b>LEGISLATURE</b>		
	<b>TOTAL</b>	<u>\$6,435</u>	<u>\$2,075</u>
6			
	<b>TOTAL ALLOCATIONS</b>	<u>\$1,446,603</u>	<u>\$18,341,532</u>

8  
10 **Sec. 8. Retroactivity.** Sections 1, 2, 4, 5 and 6 of this Act  
apply retroactively to October 1, 1989. Section 3 applies  
retroactively to December 1, 1989.

12  
14 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved, unless otherwise  
indicated.

16  
18  
20 **STATEMENT OF FACT**

22 This bill ensures that the intention of the Legislature in  
the First Regular Session of the 114th Legislature in enacting  
24 legislation to increase access to health care is fulfilled by  
dedicating the revenues raised pursuant to that legislation to  
26 the Health Care Access Fund as established in this bill until  
June 30, 1992. The fund may be used to provide funds for  
28 community health program grants, the Maine Health Program, the  
Hospital Uncompensated Care and Governmental Payment Shortfall  
30 Fund or reimbursement to health care providers to increase access  
to health care for Medicaid recipients.