

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 471

H.P. 363

House of Representatives, February 4, 2003

**Resolve, To Study Obesity and Methods To Decrease the Cost of
Health Care and Increase the Public Health**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: DAIGLE of Arundel, EARLE of Damariscotta, KANE of Saco,
LAVERRIERE-BOUCHER of Biddeford, WALCOTT of Lewiston, Senators: MARTIN of
Aroostook, MAYO of Sagadahoc, WESTON of Waldo.

2 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Public Health, referred to in this resolve as "the
4 commission," is established to study the causes of obesity and
methods to decrease the cost of health care and increase the
6 public health; and be it further

8 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 14 members appointed as follows:

10 1. Five members appointed by the President of the Senate as
follows: 2 Senators, at least one of whom serves on the Joint
12 Standing Committee on Health and Human Services; 2
representatives of statewide nutrition or health advocacy
14 organizations; and one representative of a statewide organization
of secondary school administrators;

16 2. Six members appointed by the Speaker of the House as
follows: 2 Representatives, at least one of whom serves on the
18 Joint Standing Committee on Health and Human Services; one
representative of a statewide organization of school principals;
20 one representative of a statewide organization of physicians; one
representative of a statewide public health advocacy
22 organization; and one representative of a statewide association
of providers of oral health care; and
24

26 3. The following persons or their designees: the Attorney
General; the Commissioner of Education; and the Director of the
28 Bureau of Health within the Department of Human Services; and be
it further
30

32 **Sec. 3. Appointments; chairs; convening of commission. Resolved:**
That all appointments must be made no later than 30 days
following the effective date of this resolve. The first-named
34 Senate member and the first-named House of Representatives member
shall serve as cochairs of the commission. The appointing
36 authorities shall notify the Executive Director of the
Legislative Council once all appointments have been completed.
38 The cochairs shall convene the first meeting of the commission no
later than 15 days after appointment of all members; and be it
40 further

42 **Sec. 4. Duties; report. Resolved:** That the commission shall
study obesity in the State and methods to decrease the cost of
44 health care and improve the public health. After examining these
issues, the commission shall provide a report to the Legislature
46 that includes legislation by December 1, 2003 on the following:

48 1. Strategies for assisting schools in meeting modern
nutrition standards for school meals and food and drink offered
50 on school property;

2 2. Options for the adoption of a new nutrition pyramid,
with attention to the food pyramid recommendations published by
4 the Harvard School of Public Health and emphasis on increased
consumption of vegetables, whole grains, fat-free milk, beans,
6 soy products and nuts; ,

8 3. Analysis of physical education standards in Maine
schools from 1970 forward, including review of the Maine system
10 of learning results and standards in other states;

12 4. Review of possible methods for restricting advertising
to students while in school or at school-related activities or
14 school-sponsored activities, including actions taken in other
states and legislation restricting advertising and contracts that
16 result directly or indirectly in advertising or promotional
information or displays;

18 5. Options for labeling fats in all packaged foods sold in
20 the State, with attention given to information on unsaturated
fats, trans fats and saturated fats;

22 6. Methods of encouraging healthy food purchasing by
24 families using cash and under public benefit programs, including
the possibility of restricting purchases under a public benefit
26 program to certain categories of foods;

28 7. Analysis of discrimination based on personal size, using
the Michigan human rights law as an example and consulting with
30 the Attorney General regarding legal issues;

32 8. Analysis of the potential savings in health care costs
and decreases in lost work time from the creation of fitness
34 centers in major centers of state employment, and the savings
over time from the fitness centers;

36 9. Analysis of the nutritional value of food for sale in
38 places of state employment in cafeterias and snack bars and by
vending machines; and

40 10. Analysis of the benefits and costs of providing
42 insurance or health coverage for obesity prevention and nutrition
counseling for state employees, retirees and MaineCare enrollees
44 and for health coverage by carriers licensed under the Maine
Revised Statutes, Title 24 or Title 24-A; and be it further

46 **Sec. 5. Staff assistance. Resolved:** That the commission may
48 request staffing and clerical assistance from the Legislative
Council and from the Department of Human Services; and be it
50 further

2 **Sec. 6. Compensation. Resolved:** That the legislative members
of the commission are entitled to receive the legislative per
4 diem, as defined in the Maine Revised Statutes, Title 3, section
2, and reimbursement for travel and other necessary expenses
6 related to their attendance at meetings of the commission. Public
members not otherwise compensated by their employers or other
8 entities that they represent are entitled to receive
reimbursement of necessary expenses for their attendance at
authorized meetings of the commission; and be it further

10
Sec. 7. Report. Resolved: That the commission shall submit
12 its report with any accompanying legislation to the Second
Regular Session of the 121st Legislature by December 1, 2003.
14 The commission is authorized to introduce legislation related to
its report to the Second Regular Session of the 121st
16 Legislature. The report and legislation must have as goals
improving public health, including cardiovascular health,
18 decreasing rates of obesity, decreasing the cost of health care,
increasing physical activity of youth and increasing awareness of
20 healthy eating choices; and be it further

22 **Sec. 8. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
24 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

26
Sec. 9. Commission budget. Resolved: That the chairs of the
28 commission, with assistance from the commission staff, shall
administer the commission's budget. Within 10 days after its
30 first meeting, the commission shall present a work plan and
proposed budget to the Legislative Council for its approval. The
32 commission may not incur expenses that would result in the
commission's exceeding its approved budget.

34
Upon request from the commission, the Executive Director of
36 the Legislative Council or the executive director's designee
shall promptly provide the commission chair and staff with a
38 status report on the budget, expenditures incurred and paid and
available funds.

40
42 **SUMMARY**

44 This resolve establishes the Commission to Study Public
Health to study the causes of obesity and methods to decrease the
46 cost of health care and improve public health. The commission is
charged with submitting a report, together with legislation, to
48 the Second Regular Session of the 121st Legislature by December
1, 2003.