

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

Sec. 3. Duties. Resolved: That the commission shall develop a design, choose a site, accept donations and make arrangements for the plaque or plaques and a flag or flags to be displayed in the State House Hall of Flags; and be it further

Sec. 4. Staffing. Resolved: That, upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 5. Meetings. Resolved: That the commission may hold up to 4 meetings; and be it further

Sec. 6. Funding. Resolved: That the commission may seek and accept outside sources of funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 7. Consultation; reports. Resolved: That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new plaque or plaques and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but no later than October 4, 2002, the commission shall submit its initial report for review by the Legislative Council through the Office of the Executive Director. A final report must be submitted to the Executive Director of the Legislative Council by November 1, 2002. Upon submission of its required reports, the commission terminates; and be it further

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

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House

Initiative: Provides for costs associated with a plaque or plaques and a flag or flags honoring Maine veterans of World War II and the Korean War in the Hall of Flags in the State House.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$500

See title page for effective date.

CHAPTER 114

H.P. 1436 - L.D. 1933

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

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

Whereas, the cost of long-term care in the State is among the highest in the nation; and

Whereas, the demographic profile of the State indicates a population that is rapidly aging and quickly approaching the need for long-term health services; and

Whereas, elderly and disabled individuals are without sufficient resources to finance the cost of their long-term care and depend upon the State to assist them in gaining access to these services; and

Whereas, the increased rate of growth in the state contribution for these services requires a comprehensive plan that will anticipate future need and creatively design a solution for financing this need while maintaining high quality in the system and ensuring choice and independence for the consumer of these services; and

Whereas, the commission established in this resolve must begin its work as soon as possible to address the escalating costs in the delivery and financing of long-term care services for the people of the State; 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

Sec. 1. Commission established. Resolved:

That the Blue Ribbon Commission to Address the Financing of Long-term Care, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following members:

1. Nine members appointed by the President of the Senate as follows:

A. Two members of the Senate. When making these appointments, the President of the Senate shall give preference to a member serving on the Joint Standing Committee on Appropriations and Financial Affairs and to a member serving on the Joint Standing Committee on Health and Human Services;

B. A representative of a provider of long-term care insurance;

C. A member of a statewide organization representing business entities;

D. A member of a statewide organization representing labor;

E. A member of a statewide organization representing providers of long-term care;

F. A member of a statewide organization representing hospitals;

G. A member of a statewide organization representing physicians; and

H. A member of a statewide organization representing financial institutions;

2. Ten members appointed by the Speaker of the House as follows:

A. Two members of the House of Representatives. When making these appointments, the Speaker of the House shall give preference to a member serving on the Joint Standing Committee on Health and Human Services and to a member serving on the Joint Standing Committee on Banking and Insurance;

B. A member of a statewide organization representing elderly persons;

C. A member of a statewide organization representing people with disabilities;

D. A representative of the long-term care ombudsman program;

E. A member of a statewide not-for-profit organization providing legal services to elderly persons;

F. A member of a statewide organization representing homecare providers;

G. A member of a statewide organization representing individuals with Alzheimer's disease or other dementias;

H. A representative of an academic or public policy institute with expertise in health care economics or finance; and

I. A representative of an accounting firm with expertise in health care financing; and

3. The following 2 members:

A. The Commissioner of Human Services or the commissioner's designee; and

B. The Treasurer of State or the treasurer's designee; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The first named Senate member and the first named House of Representatives member serve as cochair of the commission. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The cochair shall convene the first meeting of the commission no later than 15 days after the appointment of all members is complete; and be it further

Sec. 4. Duties. Resolved: That the commission shall analyze the future costs of providing long-term health care to elderly and disabled adults and recommend an integrated system of financing the projected costs of these services that preserves and promotes consumer choice. The commission shall investigate all relevant questions on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;

2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and

3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

The commission shall examine programs and techniques that are employed in other states or other

countries; explore opportunities for expanded federal assistance or demonstrations, waivers or pilot projects; and solicit suggestions from groups and individuals with expertise in long-term care finance and delivery; and be it further

Sec. 5. Meetings and hearings. Resolved: That the commission may hold up to 4 meetings per year. One of the meetings of the commission held each year may be a public hearing scheduled during nonbusiness hours in the State. The commission may not meet during the legislative session; and be it further

Sec. 6. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Funding. Resolved: That the commission may seek and accept other sources of funds to advance its work. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 8. Compensation. Resolved: That those members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings. If other sources of funds become available, these funds may be used to compensate members of the commission; and be it further

Sec. 9. Report. Resolved: That the commission shall submit its report, together with any recommended implementing legislation, to the Legislature no later than November 6, 2003. The commission may also submit an interim report as it determines necessary. The commission shall also make an interim report to the Legislature and the Long-term Care Implementation Committee, established pursuant to Public Law 1999, chapter 731, Part BBBB, section 15, by November 6, 2002. If the commission requires an extension of time to make its reports, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 10. Budget. Resolved: That the co-chairs of the commission, with assistance from the commission's staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding

Initiative: Provides a base allocation from Other Special Revenue funds in the amount of \$500 in the event grants are awarded and outside funds are received.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$500

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 11, 2002.

CHAPTER 115

H.P. 1556 - L.D. 2058

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

Sec. 1. Committee established. Resolved: That the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, referred to in this resolve as the "committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 15 members:

1. Seven members appointed by the President of the Senate as follows:

- A. One Senator;
- B. One representative of employers in the health care industry;