

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services once all appointments have been completed. Within 15 days after appointment of all members, but not later than August 1st, the chairs shall call and convene the first meeting of the commission; and be it further

Sec. 5. Duties. Resolved: That the commission shall develop recommendations for a design and a location and other matters relating to installation of a monument honoring women veterans of Maine for review by and approval of the Capitol Planning Commission pursuant to section 10 of this resolve; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Meetings. Resolved: That the commission may hold meetings, one of which must be a public hearing. When possible, meetings should be held when the Legislature is not in session; and be it further

Sec. 8. Funding. Resolved: That the commission may seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by 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 the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The Executive Director shall notify the chairs of the commission when sufficient funding has been received; and be it further

Sec. 9. Compensation. Resolved: That the legislative members of the commission 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. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 10. Consultation; reports. Resolved: That, when the commission has developed recommendations about an appropriate location and design for the monument honoring women veterans of Maine, but not later than January 2, 2006, the commission shall submit its initial report for review by the Capitol Planning Commission. A final report must be submitted to the Capitol Planning Commission by March 1, 2006. Upon submission of its required reports, the commission terminates; and be it further

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

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides a base allocation to the Bureau of General Services in the event that outside sources of funding are received for the memorial.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	\$500	\$500
<hr/>		
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 117

H.P. 594 - L.D. 835

**Resolve, To Establish the Blue
Ribbon Commission on the Future of
MaineCare**

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 health care in the State is an issue requiring the immediate attention of the Legislature; and

Whereas, Medicaid is the largest source of funding for medical and health-related services for people with limited income; 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 on the Future of MaineCare, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 10 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate and 2 members of the House of Representatives appointed by the Speaker of the House. At least one legislative member appointed must be a member of the Joint Standing Committee on Health and Human Services and at least one legislative member appointed must be a member of the Joint Standing Committee on Appropriations and Financial Affairs. Legislative appointments under this subsection must be representative of the bipartisan interests of the Legislature;

2. Two members appointed by the President of the Senate, one with experience and expertise in the area of public health care policy or public health financing and one with expertise regarding privately funded health care;

3. Two members appointed by the Speaker of the House of Representatives, one with expertise in the area of state fiscal policy or economic policy and one with expertise in health data collection and interpretation; and

4. Two members appointed by the Governor who are members of the MaineCare Advisory Committee, one of whom represents health care providers and one of whom represents health care consumers; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission; and be it further

Sec. 4. Appointments. Resolved: That all appointments must be made no later than 30 days

following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 1st; and be it further

Sec. 5. Duties. Resolved: That the commission shall study the MaineCare program and make recommendations on how to improve the quality, adequacy, effectiveness and delivery of services under the program in the most cost-effective manner possible in an effort to ensure its sustainability over time, including various options for providing coverage for persons in need of health care services. In conducting this study, the commission shall:

1. Review and make recommendations about the extent to which MaineCare is meeting its current and future responsibilities and include a review of the effectiveness of various models in financing and providing health care coverage to low-income and vulnerable populations, including, but not limited to, low-income families and children, the physically disabled, the elderly, the chronically ill and the uninsured;

2. Study and report eligibility levels, service benefits, expenditures and other factors affecting future costs under the MaineCare program;

3. Estimate future program costs, taking into account relevant factors, including, but not limited to, demographics; health care cost drivers; cost-savings and cost-control initiatives in place at the time of the study; other economic variables, including changes in individual and family income rates, changes in uninsured rates and changes in employer-based coverage rates; cost drivers and cost shifting related to coverage provided under the program; and other related economic factors;

4. Review and summarize the economic effect of MaineCare and its role in maintaining Maine's health care provider network, including primary, specialty and acute care;

5. Provide an analysis of changes in federal funding and health care policy, including changes in the federal match rate formula, and how such changes will affect MaineCare; and

6. Review and make recommendations related to actions taken by the federal Bipartisan Commission on Medicaid and the Medically Underserved. Recommendations based on the federal commission's study must be included in the commission's interim and final reports; and be it further

Sec. 6. Meetings. Resolved: That the commission is authorized to meet 4 times in 2005 and with approval of the presiding officers may hold meetings at various locations throughout the State. Meetings must be open to the public. The commission shall consult stakeholders and health care and medical organizations for information and assistance in gathering information related to the duties described in section 5; and be it further

Sec. 7. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staffing assistance to the commission. The Department of Health and Human Services, the Governor's Office of Health Policy and Finance, the Maine Health Data Organization and the Maine Health Data Processing Center shall provide information and assistance as requested by the commission; and be it further

Sec. 8. Compensation. Resolved: That legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 9. Budget. Resolved: That, within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the executive director 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. 10. Receipt of outside funds authorized. Resolved: That the commission may seek outside funds to fund costs of the commission other than authorized per diem and expenses of the members authorized by section 8. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to

approval by 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 the funds, the date the funds were received, from whom the funds were received and the purpose of or any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission; and be it further

Sec. 11. Reports. Resolved: That the commission shall submit a report with findings and accompanying recommendations for legislation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs by December 7, 2005; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides a base allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Blue Ribbon Commission on the Future of MaineCare.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective June 21, 2005.

CHAPTER 118

S.P. 139 - L.D. 415

Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978

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 Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978 should be established to examine the extent to which the State complies with the federal Indian Child