

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

May 29, 1986

PRELIMINARY AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. SECRETARY'S REPORT
- IV. DIRECTOR'S REPORT
 - Item #1: Appointment of Senior Attorney
 - Item #2: Approved Step Increases
- V. REPORTS FROM COUNCIL COMMITTEES
- VI. OLD BUSINESS
 - Item #1: Study of Insurance Pools for High Risk Individuals (Study information attached)
 - Item #2: Request for Assignment of Legislative Staff to Joint Select Committee on Economic Development
- VII. NEW BUSINESS

LEGISLATIVE COUNCIL

May 29, 1986

DIRECTOR'S REPORT

APPROVED STEP INCREASES

Kathy Kaloustian, Legislative Technician, Office of Revisor,
from Step F to Step G, effective March 29

Bent Schlosser, Director, Office of Fiscal and Program Review,
from Step D to Step E, effective June 9

Tim Glidden, Legislative Analyst, Office of Policy and Legal Analysis,
from Step E to Step F, effective June 12

Teen Ellen Lerette, Administrative Secretary, from Step C to Step D,
effective June 15, 1986

Simone Antworth, Business Assistant in the Law Library,
has completed another year of Legislative service, but is
already at the top of the salary range for this position.



DIRECTOR'S REPORT

ITEM #1

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
MARTHA E. FREEMAN
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

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ANDREA L. COLNES, Res. Asst.

To: Rep. John Martin, Chairman
Personnel Subcommittee, Legislative Council

From: Helen Ginder, Director *HJA*
Office of Policy & Legal Analysis

Re: Senior Attorney, Martha Freeman

Date: May 28, 1986

I am pleased to recommend to you Ms. Martha Freeman to fill the new position of Senior Attorney established by the Legislative Council. Ms. Freeman has been an attorney in the Office of Policy & Legal Analysis since December, 1980. She has performed many and varied assignments responsibly and with professional excellence. We expect to begin implementation of the tasks outlined on the attached position description, immediately upon approval of the appointment by the Legislative Council. The description may appear somewhat expanded over our earlier discussions, but is more detailed rather than enlarged in scope.

Her salary for this position will be step D on the schedule adopted for Senior Analysts.

cc: Rep. John Diamond, Chairman, Legislative Council
Sarah Diamond, Exec. Director, Legislative Council
Haven Whiteside, Assistant Director, Policy & Legal Analysis
Martha Freeman, Legal Analyst, Policy & Legal Analysis

SENIOR ATTORNEY

Purpose of Announcement:

To establish a register to fill an immediate vacancy in the Office of Policy and Legal Analysis. This position was established by the Legislative Council, January, 1986.

Scope of Work:

This is professional, administrative work to provide legal services to the Maine State Legislature.

Typical Duties:

- Provide policy and legal analysis to a standing committee of the Legislature as assigned.
- Recommend assignments of research on legal issues to the Director for review to assure even work load in consideration of other assigned tasks.
- Coordinate requests for legal opinions and analysis to Joint Standing Committees.
- Provide training in legal skills necessary in drafting legislative documents for members of the staff on recommendation of the Director.
- Coordinate work assignments for paralegal(s).
- Review legal memos and issue briefs prepared by staff attorneys.
- Catalogue opinions and briefs prepared by other members of the staff.
- Implement distribution policies.
- Coordinate review of Errors Bill for Judiciary Committee.
- Review requests for A.G. opinions for definition of questions and to determine whether the question has been answered by A.G. or staff attorney.
- Liaison with other legislative staff offices on legal issues.
- Assure the identification of legal issues in studies and legislative documents.
- Provide legal research and write memoranda and opinions.
- Report to the Director on the quantity and quality of work performed.
- Make recommendations for improvement or change to assure dependable, objective legal analysis.

Required Knowledge and Abilities:

- Knowledge of Maine statutory and common and constitutional law.
- Knowledge of Maine legislative process.
- Ability to communicate effectively orally and in writing.
- Excellent organizational skills.
- Ability to make decisions and facilitate group decisions.
- Ability to do accurate and complete legal research and ability to assess legal research of staff.
- Ability to evaluate information and reach logical conclusions.
- Ability to encourage and gain cooperation from coworkers to produce excellent work.
- Ability to administer fairly and provide support to coworkers.

Minimum Qualifications:

Admitted to practice in Maine. Four years combined experience as an attorney, which may include experience as an attorney for a public interest group, private practice of law, or as an attorney for a department of state government, with at least 3 years' service as a Legislative Assistant or Legal Analyst in the Office of Policy and Legal Analysis.

Examination:

Will consist of training, experience and evaluation (100%).

Appointment List:

Register will be established on promotional basis.

STUDY OF INSURANCE POOLS FOR
HIGH RISK INDIVIDUALS

Membership:

Committee on Human Resources

Sen. Barbara Gill
Rep. Merle Nelson
Rep. Peter Manning

Committee on Business & Commerce

Sen. Beverly Bustin
Sen. Charlotte Sewall
Rep. Charlene Rydell

Committee on Appropriations and Financial Affairs

1 member (to be named)

Authorized meetings: 4

STUDY PROPOSAL ON INSURANCE POOLS FOR HIGH RISK GROUPS

Presented by the Joint Standing Committee on Human Resources

SUBJECT OF THE STUDY: This study will examine the issue of insurance pools for "high risk" individuals seeking health and life insurance.

REASON THE STUDY IS NECESSARY: During the Second Regular Session of the 112th Legislature, legislation was introduced concerning the public health issues involved in Acquired Immune Deficiency Syndrome (AIDS), LD 2063: AN ACT to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome.

One of the issues raised by this legislation concerned the use of the current test which reveals the presence of antibody to the HTLV-III virus. (There is currently no test to determine the presence of AIDS.) The insurers felt that there was a strong need to be able to inquire whether an individual has taken that test and what the test results were.

Public health officials were extremely concerned that if such a question were allowed to be asked as a precondition to obtaining insurance, many individuals who were "at risk" would simply not take the test. The only proven method of decreasing the spread of AIDS at the present time is through education. By decreasing the number of people taking the test, the public health officials felt that they would have lost their only method of identifying individuals who were "at risk" and of educating them in ways to decrease the spread of the disease.

The committee proposed a one year moratorium, prohibiting that question from being asked during that period. At the end of that period it is hoped that some other solution will be found to resolve this issue. One of the proposals mentioned was the establishment of a high risk pool to provide insurance to this group. After some discussion, the committee recognized that this problem was not limited to the "high risk" group for AIDS, but was a problem of more universal nature for many "high risk" groups who were or could be effectively denied insurance.

It is interesting to note that an interim report of a study on Health Insurance Coverage in Maine which was commissioned by the Legislature was recently released by the Human Services Development Institute. That study indicates that insurance pools for "high risk" groups is one possible solution to help provide health coverage to the large number of Maine citizens (13-15% of adults under age 65) who are basically without health insurance. Six states currently have "high risk" insurance pools. Several other states are considering them.

In an effort to find that solution or to provide some direction for the public policy issues involved prior to the end of the moratorium, the Human Resources Committee is proposing a Joint Select Committee be established to study the feasibility of insurance pools for health and life insurance for high risk groups.

ANALYSIS OF THE ISSUE: SCOPE OF THE STUDY: A recent survey indicated that approximately 93,000 citizens in Maine between the ages of 18 and 64 did not have health insurance. There are many reasons for this lack of coverage and many possible solutions to this issue. This study will look at one of the potential solutions, that of establishing insurance pools for individuals whose medical conditions identify them as "high risks" to insurance companies. This study will evaluate the methods and feasibility of establishing such insurance pools, both with and without state subsidies or with combined public and private sector financing. It will focus on all aspects of this question including, but not limited to the types of coverage possible, the premiums which would be required in each situation, what types of high risks could be covered, the benefits to be derived from this type of program and any public policy questions which may arise from this subject matter. This study may include health and life insurance.

STUDY COMMITTEE: The study committee should be composed of 6 members of the Legislature from the following Joint Standing Committee:

Appropriations and Financial Affairs:	1 member
Business and Commerce:	2 members
Human Resources:	3 members

PROPOSED COMMITTEE MEETINGS: The proposed study will require at least 4 meetings.

COMPLETION DATE: This committee should report the results of its study to the First Regular Session of the 113th Legislature.

PRIORITY OF THIS PROPOSED COMMITTEE STUDY:

This study is the SECOND priority of the Human Resources Committee.