

# MAINE STATE LEGISLATURE

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SEN. JANE A. AMERO  
CHAIR

REP. ELIZABETH H. MITCHELL  
VICE-CHAIR



Lynn Randall  
Legislative Council Info.

JEFFREY H. BUTLAND  
R. LEO KIEFFER  
MARK W. LAWRENCE  
BEVERLY MINER BUSTIN

REP. DAN A. GWADOSKY  
REP. PAUL F. JACQUES  
REP. WALTER E. WHITCOMB  
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

## MEETING SUMMARY

July 31, 1995

Approved August 21, 1995

### CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 1:25 p.m. in the Legislative Council Chamber.

### ROLL CALL

Senators:	President Butland, Sen. Lawrence, Sen. Amero, Sen. Bustin Absent: Sen. Kieffer,
Representatives:	Rep. Jacques, Rep. Mitchell, Rep. Carleton Absent: Speaker Gwadosky, Rep. Whitcomb
Legislative Officers:	Sally Tubbessing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes May Ross, Secretary of the Senate Joseph Mayo, Clerk of the House

### SUMMARY OF JUNE COUNCIL MEETINGS

**Motion:** That the Summaries of the June 7 and June 30 Council meetings be accepted and placed on file (Motion by Rep. Jacques; secondly Rep. Carleton; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing brought the following items to Council members' attention:

- **Bills carried over to the Second Regular Session**

Ms. Tubbesing drew members' attention to the list in their packets and noted 101 bills had been carried over.

- **Interim Studies**

Again, Ms. Tubbesing drew members' attention to a list of all interim studies that will be staffed through the Council, as well as those studies that have legislative members, but have other staffing arrangements.

- **Legislative Budget Status as of June 30**

Ms. Tubbesing noted that while final figures were not yet available, it appeared that the legislative account would have a balance forward comprised of approximately \$339,000 in Personal Services and \$2,400 in Capital. She stated that she would prepare a complete summary for the August Council meeting.

No Council action was required on these items.

- **Cloture for Second Regular Session**

Ms. Tubbesing recommended that the Council set both the cloture date and its meeting dates for screening bill requests to give legislators as much notice as possible and to ensure that Council members set aside the dates.

In response to a question from the Chair, Sen. Amero, Margaret Matheson reviewed the schedule used in the past and noted that adoption of a similar schedule would yield the following for the current year:

- |                        |   |
|------------------------|---|
| Tuesday, October 2:    | Filing Deadline for Legislators and Departments   |
| Sunday, October 22:    | Council Meeting to screen requests  |
| Wednesday, October 25: | Notification of Council's action to sponsors  |
| Monday, October 30:    | Deadlines for a) Filing appeals and b) Filing final drafts or sufficient information to draft all bills previously accepted by the Council. |
| Saturday, November 4:  | Council meeting to consider appeals.  |

**Motion:** That the schedule be adopted as presented. (Motion by Rep. Jacques; second by Rep. Carleton; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

**a. Committee on Total Quality Management in the Legislature and TQM Subcommittee on Rules**

(No report).

**b. Personnel Committee**

Sen. Amero, who chairs the Personnel Committee, reported that the Committee had met prior to the Council meeting to consider a lengthy agenda. Three of the 4 members were present and had voted unanimously to present the following recommendations to the Council for action:

**Motion:** That the step increases for which Lynn Randall and Margaret Matheson were eligible in 1994 be awarded to them retroactive to their anniversary dates, pursuant to the favorable reviews conducted by the Personnel Committee for the 116th Legislative Council. (Motion by Sen. Amero; second by Rep. Jacques; unanimous).

**Motion:** That the Legislative Council authorize coverage under the Income Protection Plan to eligible employees as recommended. (Motion by Sen. Amero; second by Sen. Lawrence; unanimous).

**Motion:** That David Boulter be authorized to work with the Executive Director to fill the following vacant and budgeted positions in the Office of Policy and Legal Analysis: 1) Analyst and 2) Administrative Secretary. (Motion by Sen. Amero; second by Rep. Jacques; unanimous).

**Motion:** That, pending the development of a formal policy by the Council, each Office Director be responsible for monitoring the impact of temperature and humidity on the productivity of staff and work with the Executive Director to determine whether to recommend to the Council Chair that the Office be closed. (Motion by Sen. Amero; second by Rep. Carleton; unanimous).

## OLD BUSINESS

None.

## NEW BUSINESS

### Item #1: Maine Health Care Reform Commission: Presentation regarding Draft Proposals

The Chair, Sen. Amero, recognized Neil Rolde, one of the 3 Commissioners of the Maine Health Care Reform Commission. Mr. Rolde then introduced Peter Hayes, a fellow Commissioner, and Ellen Schneider, the Commission's Executive Director and noted that the third Commissioner, Dr. Robert Keller, had been unable to be present.

Mr. Rolde briefly reviewed the Commission's statutory charge, which requires the Commission to develop at least 3 plans in the form of legislation -- 1) a universal plan with a single payor; 2) a universal plan that is multi-payor; and 3) an incremental plan with emphasis on managed care and other means of cost containment. After describing the process the Commission has employed to develop its proposals, Mr. Rolde briefly described each of the 3 plans, stating that the Commission has concluded that the only plan that is feasible without substantial federal financial participation is the plan based on an incremental managed care approach. Mr. Hayes provided greater detail regarding some of the major obstacles that would prevent successful implementation of either of the other plans.

Mr. Rolde reported that in addition to the 3 plans, the Commission would also prepare 5 other pieces of legislation that would:

- Increase the percent of state funding for prevention and public health;
- Create a Quality Assurance Foundation;
- Address various medical liability issues; and
- Establish a Health Information Data Center.

He stated that the next phase of the Commission's work will entail convening a series of public hearings throughout the State on the Commission's proposals.

Mr. Rolde closed the presentation by asking Council members' assistance in 3 areas:

- 1) Determining whether it would be feasible to have a full day briefing on the plans for the entire Legislature -- suggesting the possibility of a retreat. The Robert Wood Johnson Foundation, which has awarded a major grant to the commission in support of its work, has asked the Commission to explore this.

After discussion, Council members suggested that the Commission act immediately to insure that legislators were invited to attend any of the public hearings that had already begun. In addition, Senate President Butland said that he would confer with Speaker Gwadosky about the possibility of a briefing.

- 2) That the Legislature consider creating a Special Select Committee to deal with all of the bills submitted by the Commission. Mr. Rolde observed that as many as 4 of the Legislature's joint standing committees have a direct interest in the Commission's work; thus, a Select Committee would provide a way to bring representation from each of these committees.
- 3) Drafting assistance.

Mr. Rolde asked the Council to intercede to make drafting assistance from the Revisor's Office available. At Senator Amero's invitation, Margaret Matheson confirmed that she had, indeed, already offered the availability of her office to provide drafting assistance provided that the Commission presented an initial draft containing the substance of its proposals. She reiterated the availability of this support.

#### Discussion

Sen. Amero opened the floor for questions from Council members, which focussed on 2 issues:

1. The appearance that the Commission has essentially already dismissed two of the 3 plans required by law. (Rep. Mitchell).

Mr. Rolde responded that, based on its analysis, the Commission had concluded that universal care plans are more costly because they not only pick up the previously uninsured, but they also give them access to quality care including preventive care. Under current federal law, companies covered by ERISA would not be required to participate in a new health insurance plan; thus, the total cost of any new plan would be spread over about only half of the providers. He stated that while the Commission had looked at issues related to cost-shifting, budget constraints had limited the amount of analysis it had been able to do. Finally, he noted that the Commission has proposed a "basic" benefit package, which does not cover all of the mandated benefits.

2. Would the Commission consider inclusion of a resolution to Congress in its legislative package. (Sen. Bustin).

Rep. Rolde responded affirmatively.

3. Had the Commission considered piggy-backing on the health insurance program already available to Maine State employees? (Sen. Bustin).

The Chair, Sen. Amero, thanked Mr. Rolde, Mr. Hayes and Ms. Schneider for their presentation.

No Council action was required on this item.

- Item #2: Request from Joint Standing Committee on Education for Authorization to Pay A Portion of the Costs for the Services of a Professional Facilitator (memo from Sen. Small and Rep. Martin)**

**Motion:** That payment be authorized. (Motion by Rep. Jacques; second by Sen. Lawrence).

**Discussion**

Council members expressed concern that the Committee Chairs had committed funds without prior authorization; and Rep. Mitchell noted that the Council had specifically denied the Committee's request to use the balance of funds originally appropriated for development of an education data base last fall. Rep. Jacques indicated that he had spoken to Rep. Martin and been assured that both presiding officers had authorized the Education Committee to proceed with engaging Ms. Cohen-Hird; however, Senate President Butland could not recall this.

Noting that the law clearly reserves to the Council the authority to contract for services, Rep. Jacques agreed to amend his original motion.

**Motion:** That payment be authorized and that a letter be sent to the Chairs clarifying that all contracts must be approved by the Council before any commitments are made or work performed. (Motion by Rep. Jacques; second by Sen. Lawrence; unanimous).

Sen. Bustin suggested a letter containing these procedures be sent to all Committee Chairs at the beginning of each legislative session.

- Item #3: Request from the Council of State Governments for Payment of Dues for Fiscal Years 1996 and 1997**

Sen. Amero noted that the Legislature has committed to hosting the Eastern Regional Conference in 1997. Rep. Mitchell observed that the Legislature is not "in arrears" since the Council had made a conscious decision not to pay dues in Fiscal Years 1992 and 1993 due to budget constraints.

Sen. Amero asked ms. Tubbesing to research the specific action taken by the 115th Legislative Council; and Council members agreed that the Chair should send a letter to CSG stating that the Council has concluded it does not fall under the policy that CSG has adopted.

Although consensus was expressed on this item, there was no formal motion.

**Item #4: Memo from Rep. Heeschon Regarding Tobacco Smoke Pollution in the State House**

**Motion:** That this item be referred to the Committee on Allocation and Improvement of State House Space. (Motion by Sen. Lawrence; second by Sen. Butland; approved 6-1).

Clerk of the House, Joseph Mayo, stated that the Speaker had asked him to call together a small group of smokers and non-smokers to address Rep. Heeschon's concerns on the basis that this was a House issue.

Sen. Bustin emphasized that the issue of "second-hand smoke" which Rep. Heeschon had raised is a very serious problem and is not restricted to space assigned to the House.

**Item #5: Request from Senator Carpenter and Representative Kontos, Chairs, Joint Standing Committee on Utilities and Energy to conduct a Staff Study on Issues Related to Water District Charters**

**Motion:** That the request be approved. (Motion by Rep. Mitchell, second by Sen. Bustin; unanimous).

**Item #6: Request for Clerical Assistance to Support the Work Group on Electric Industry Restructuring. (Letter from Senator Carpenter and Representative Kontos).**

**Motion:** That a letter be sent to the Chairs indicating that they would have access to clerical assistance through the Office of Policy & Legal Analysis. (Motion by Rep. Mitchell; second by Rep. Jacques; unanimous).

## **ANNOUNCEMENTS AND REMARKS**

The August Council meeting will be on Tuesday, August 22, beginning at 10:00 a.m.

## **ADJOURNMENT**

The Council meeting was adjourned at 3:05 p.m., on the motion of Representative Jacques.