MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
DECEMBER 18, 1997
REVISED AGENDA

CALL TO ORDER

ROLL CALL

SUMMARY OF NOVEMBER 20, 1997 COUNCIL MEETING

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Requests for Extension of Study Deadlines

- Task Force to Study Strategies to Support Parents as Children's First Teachers (letter from Rep. Christina Baker, Chair)
- Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Business in Maine (letter from Rep. Arthur Mayo, Chair)
- Task Force to Study Equal Economic Opportunity for All Regions of the State (letter from Rep. Marc Vigue, Chair)*
- Task Force to Study the State's Regional Service Center Communities (letter from Rep. Richard Farnsworth, Chair)
- Commission to Study Insurance Fraud (letter from Sen. Lloyd P. LaFountain, III, Chair)
- Legislative Task Force to Study Registration for In-Home Personal Care and Support Workers (letter from Sandra Bethanis, R.N., Chair)
- Commission to Study the Funding and Distribution of Teletypewriter and Other Telecommunications Equipment for People with Disabilities (memo from Sen. Sharon Treat, Chair)

Item #2: Requests for Additional Meeting(s)

- Commission to Study the Unemployment Compensation System (letter and memo from Sen. Sharon Treat, Chair)*
- Joint Standing Committee on Taxation (letter from Sen. Richard P. Ruhlin, Senate Chair and Rep. Verdi L. Tripp, House Chair)
- Joint Select Committee on Research and Development (letter from Sen. Mary Cathcart and Sen. Richard Bennett, Co-Chairs)**
- Task Force on State and Federal Tax Filing (letter from Rep. Scott Cowger, Chair)**
- Commission to Examine Rate Setting and the Financing of Long-term Facilities (letter from Joseph M. Kozak, Chair)

Item #3: Medical Liability Demonstration Project: Interim Report Submitted by the Bureau of Insurance Pursuant to 24-A MRSA, § 2978 (Executive Summary enclosed)

Item #4: Proposal to Produce a Video on the Legislative Process (request of Rep. Kontos)

Item #5: Request to Pay Maine's Annual Dues to the Assemblée Internationale des Parlementaires de Langue Francaise (AIPLF) for period 1993-1997 (letter from Senator Paradis)

Item #6: After Deadline Bill Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

* Requires legislation to extend
** Request includes request for additional funds

REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. R. LEO KIEFFER
REP. CAROL A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

118th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY

November 20, 1997

CALL TO ORDER

The Chair, Speaker Mitchell, called the Legislative Council to order at 2:40 p.m. in the Legislative Council Chambers.

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Kieffer
Representatives:	Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl, Rep. Campbell
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House Millicent MacFarland, Assistant Clerk of the House

The Chair, Speaker Mitchell, suggested that the Council move directly to **NEW BUSINESS, ITEM #1,** in deference to those legislators who were present. Without objection, the Council proceeded to take up this item out of order.

NEW BUSINESS

Item #1: Consideration of Legislators' Appeals of Council Action on Bill Requests

Before proceeding with consideration of the individual requests, Speaker Mitchell reported that the Revisor's Office had received 211 appeals by the November 4th deadline and noted that this compared to 95 appeals two years ago. Recognizing the many legislators who were present to present their appeals in person, she stated that the Council would consider appeals in reverse alphabetical order, but would give

precedence to take those legislators who had long distances to travel. She reviewed procedures briefly, and urged legislators to limit their remarks so that all would have an opportunity to speak.

The Council proceeded to consider the appeals that had been filed. With the unanimous support of the Council, the Chair, Speaker Mitchell, announced that legislators whose appeals had been successful, would have one week from receipt of the letter announcing the Council's action to file information related to bill requests.

A summary of the Council's action has been distributed and is also available on the Legislature's WEB site.

The Council proceeded to consider other items listed on the agenda under **NEW BUSINESS.**

Item #2: After Deadline Bill Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

Item #3: Requests for Extension of Reporting Deadlines from Interim Study Commissions:

- **Commission to Examine Rate Setting and Financing of Long-Term Care Facilities. (Letter from Joseph M. Kozak, Chair)**

  Motion: That the request to extend until November, 1998, be approved with the provision that the Commission suspend its activities for the duration of the Second Regular Session to allow the assigned staff Analysts from OPLA to devote their full attention to their regular Committee assignments. (Motion by Senate President Lawrence; second by Rep. Campbell; unanimous).

- **Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-Technology Industry in Maine. (Letter from Mark B. LeDuc).**

  Motion: That the request to extend the deadline from January 1 to January 30, be approved. (Motion by Senate President Lawrence; second by Rep. Campbell; unanimous).

- **Task Force to Review Applied Technology Centers and Applied Technology Regions. (Letter from Philip A. Dionne, Chair)**

  Motion: That the request to extend the deadline from January 1 to March 1, 1998 be approved, with the provision that the Task Force submit an Interim Report by the original deadline. (Motion by Rep. Donnelly; second by Senate President Lawrence; unanimous).

SUMMARIES OF SEPTEMBER 24 AND OCTOBER 27 COUNCIL MEETINGS

Motion: That the Summaries be accepted and placed on file. (Motion by Rep. Campbell; second by Sen. Rand; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following item for the Council's information:

Item #1: Request for Legislative Review of Agency Rules pursuant to 5 MRSA, Chapter 377-A

Ms. Tubbesing drew members' attention to the material in the agenda packet related to this item, noting that Ms. Mary Jane Beyer had requested that the Legislature review rules adopted by the Department of Human Services related to Medicaid Eligibility. Ms. Tubbesing reported that she had referred the request for review to the Joint Standing Committee on Health and Human Services in accordance with the law and that the Committee has the option of deciding whether or not to schedule a meeting to review the rule. Correspondence from the Committee indicates that the Committee will schedule a review in January.

This item required no formal action by the Legislative Council at this time.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Legislative Document Service: Proposed Fee Schedule for Second Regular Session

The proposed schedule presented by Clerk of the House Joe Mayo was approved unanimously without a specific motion.

ANNOUNCEMENTS AND REMARKS

Rep. Kontos announced that Kevin Mattson, Chief of Staff in the House Majority Office, was resigning to pursue other opportunities and invited all present to a reception in his honor.

ADJOURNMENT

The Council meeting was adjourned at 9:15 p.m.

118TH MAINE LEGISLATURE/1ST REGULAR SESSION
INTERIM STUDY COMMISSIONS
STATUS AS OF 12/15/97

COMMISSION/STUDY	CHAIR	STAFF	# MTGS AUTH.	# MTGS HELD	CONVENING DATE	REPORT	BUDGET	ACTUAL SPENT (AS OF 12/12)
Commission to Study the Use of Pharmaceuticals in Long-term Care Settings **LD 146 - Resolves 1997, c. 71**		Deborah Friedman OPLA	3		TBS 1/98	1/1/98	PS: $495 AO: 950	(none)
Task Force on Production and Issuance of Registration Plates **LD 260 - P.L. 1997, c. 311** (continuation)	Sen. Bill O'Gara	Secy' of State; Jill Ippoliti (drafting only)		5		118th/2nd	Highway funds available from unexpended balance previously allocated for this purpose ($2,976)	AO: $441.50
Commission to Study the Unemployment Compensation System **LD 332 - Resolves 1997, c. 65** **(Emergency)**	Senator Sharon Treat	Heather Henderson OPLA	4	4	9/24	1/1/98 Ext. Req. 12/29/97 + 1 mtg.	PS: $ 880 AO: 1,300	$660.00 $303.70
Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits **LD 350 - Resolves 1997, c. 63** **(Emergency)**	Co-Chairs: Sen. Lloyd LaFountain Rep. Tarren Bragdon	Colleen McCarthy Reid Megan Dennen OPLA	8	3	10/28	1/1/98	PS: $ 1,760 AO: 2,100 (Allocation of funds from Bureau of Insurance)	$385.00 $358.51
Study Group to Assess Needs of the State Fire Marshal **LD 359 - Resolves 1997, c. 10**	Randall Keep	Dept. of Public Safety		3	9/09	3/1/98	(none)	N/A
Commission to Determine the Adequacy of Services to Persons with Mental Retardation **LD 581 - Resolves 1997, c. 79** **(Emergency)**	Representative Randy Berry Co-Chair: Jean Manning	Jane Orbeton Marion Hylan Barr OPLA	4	4	9/29	1/1/98	PS:$ 660 AO: 1,100	$495.00 $591.04

COMMISSION/STUDY	CHAIR	STAFF	MTGS AUTH.	# MTGS HELD	CONVENING DATE	REPORT	BUDGET	ACTUAL SPENT (AS OF 12/12)
Commission to Examine Rate Setting and the Financing of Long-term Care Facilities **LD 657 - Resolves 1997, c. 81 (Emergency)**	Joseph Kozak (appointed by Governor)	Jon Clark Jon Kachmar OPLA	5	4	11/03	12/15/97 Ext. Approved to 11/98	PS: $1,100 AO: 1,500	$385.00 $202.82
Work Group to Examine the Legal Rights of Children who Testify in cases in which they have been the alleged Victims of Sexual Abuse **LD 803 - P.L. 1997, c. 548**		DHS & AG	4	0	TBS	1/1/98	PS: $440 AO: 400	(none)
Commission to Study Insurance Fraud **LD 933 - Resolves 1997, c. 77 (Emergency)**	Sen. Lloyd P.LaFountain	Bureau of Insurance; Colleen McCarthy Reid OPLA	5	4	10/17	1/1/98	PS: $ 550 AO: 1,000	$440.00 $433.52
Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities **LD 944 - Resolves 1997, c. 72**	Sen. Sharon Treat	Phil McCarthy OPLA	4	1	12/05	1/1/98	PS: $ 660 AO: 2,350	$165.00 $82.22
Commission to Study Certificate of Need Laws **LD 998 - Resolves 1997, c. 82 (Emergency)**	Rep. Michael Quint	Diane Arbour DHS	5	5	10/28	12/1/97	PS: $550 AO: 500	$330.00 $302.99
Task Force on Registration of In-home Personal Care and Support Workers **LD 1046 - Resolves 1997, c. 29 Emergency**	Sandy Bethanis, DHS	DHS			9/29	1/1/98	(none)	N/A
Task Force to Review the Applied Technology Centers and Applied Technology Regions **LD 1048 - Resolves 1997, c. 74**	Phil Dionne	Yvonne Damborg Me. Council on Vocational Education	3	1	11/20	1/1/98 Ext. Approved to 3/1/98	PS: $330 AO: 300	$55.00 $26.10
Legislative Review of Revisions to the State's Clean Air Strategy **LD 1058 - P.L. 1997, c. 531**	Natural Resouces Committee	Amy Holland OPLA	1	1		118th/2nd	PS: $715 AO: 650 (Costs absorbed within Legislative Budget)	(none)

COMMISSION/STUDY	CHAIR	STAFF	MTGS AUTH.	# MTGS HELD	CONVENING DATE	REPORT	BUDGET	ACTUAL EXPENDITURES (AS OF 12/12)
Task Force on State and Federal Tax Filing **LD 1368 - Resolves 1997, c. 66**	Rep. Scott Cowger	Laurent Stewart Maine Revenue Service; Peggy Reinsch (legal support)	4	4	11/24	1/1/98	PS: $ 660 AO: 1,100	$660.00 $229.88
Task Force to Study the Feasibility of Creating a Maine Mobility Fund **LD 1377 - Resolves 1997, c. 73** **(Emergency)**		Patrick Norton Phillip McCarthy OPLA	4		12/19	1/1/98	PS: $880 AO: 800 (Alloc: 500)	(none)
State Compensation Commission **LD 1391 - P.L. 1997, c. 506**	Apptmts. still pending	OFPR; David Elliott (legal)	**FY 98:** 8 **FY 99:** 8			Biannual (by January 1st)	**FY 98** PS: $2,200 AO: 3,500 **FY 99** PS: $2,200 AO: 2,000	(none)
Task Force on Regional Service Center Communities **LD 1437 - Resolves 1997, c. 78**	Rep. Richard Farnsworth; Sally Crowley	Stephen Cole SPO	6	2	yes	1/1/98	PS: $ 990 AO: 1,900	$110.00 $54.76
Task Force to Study Equal Economic Opportunity for All Regions of the State **LD 1452 - P&S 1997, c. 51**	Rep. Marc Vigue	Megan Dennen OPLA	4	3	10/30	1/1/98 Ext. Approved to 1/16/98	PS: $1,100 AO: 1,500	$660.00 $910.02
Task Force to Study Cost-Effectiveness of the Child Development Services System **LD 1581 - P.L. 1997, c. 534**	Sen. Peggy Pendleton	Phillip McCarthy David Elliott OPLA	3	2	11/21	1/1/98	PS: $ 660 AO: 1,100	$440.00 $316.09
Task Force on Information Technology in the Public Sector **LD 1589 - P.L. 1997, c. 554**		DAFS; SPO (Governor convenes)	4			1/1/98	PS: $440 AO: 400	(none)
Commission to Study the Development of Maine's Franco-American Resource **LD 1603 - Resolves 1997, c. 83** **(Emergency)**	Connie Lapointe Brennan	Maine Franco-American Center at UMS	5	4	10/15	12/1/97	PS: $1,100 AO: 1,500 [Alloc: 500] AO: $47,400	$55.00 $40.68
Maine Commission on Outstanding Citizens **LD 1610 - Resolves 1997, c. 64**		Leg. Council	5	0	TBS	1/15/98	PS: $ 275 AO: 2,150	(none)

COMMISSION/STUDY	CHAIR	STAFF	# MTGS AUTH.	# MTGS HELD	CONVENING DATE	REPORT	BUDGET	ACTUAL SPENT (AS OF 12/12)
Legislative Review of DEP's Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act **LD 1651 - Resolves 1997, c. 57**	Natural Resources Committee (5-member subcommittee)	Amy Holland OPLA	2	2	**9/26**	1/5/98	PS: $550 AO: 500 (Costs absorbed within Legislative Budget)	$440.00 $214.24
Interstate Economic Development Commission for Northern New England States **LD 1657 - P.L. 1997, c. 254**			6/yr				This Act takes effect when AG notifies Revisor the other 2 states have enacted concurrent legislation.	N/A
Advisory Committee on Family Development Accounts **LD 1716 - P.L. 1997, c. 518** **(Emergency)**			4/yr			3/1/99	(none)	N/A
Progress Meetings with DMHMR/SAS and DHS on Design of Comprehensive Mental Health Services Delivery System for Children **LD 1744 - Resolves 1997, c. 80**	3-member subcommittee of Health & Human Services Committee	Jane Orbeton OPLA	4	3+ 1 full comm.		12/15/97	PS: $660 AO: 600	$770.00 $379.76
Multistate Tax Compact **LD 1760 - P.L. 1997, c. 411**			3/yr				A.O. $600 per year (Costs absorbed within Legislative Budget)	(none)
Task Force to Study Strategies to Support Parents as Children's First Teachers **LD 1832 - Resolves 1997, c. 68**	Rep. Tina Baker	Peter Walsh DHS	4	3	11/03	12/1/97 Ext. Approved to 1/15/98	PS: $440 AO: 400	$275.00 $213.44
Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine **LD 1897 - P.L. 1997, C. 557** **Emergency**	Jeff Nathanson (Fleet Bank)	Contract: Julie Jones	6	5	10/17	1/1/98 Ext. Approved to 1/30/98	PS: $1,320 AO: 7,700 (Alloc.-A.O. $25,000)	$275.00 $303.07
Tax Committee Study **LD 1897 - P.L. 1997, C. 557** **Emergency**	Sen. Ruhlin Rep. Tripp	Kevin Madigan OFPR	4	4 Req. 1 addt'l mtg.		118th/2nd Ext. Req.	PS: $2,860 AO: 2,600	$2,145.00 $969.05

COMMISSION/STUDY	CHAIR	STAFF	MTGS AUTH.	# MTGS HELD	CONVENING DATE	REPORT	BUDGET	ACTUAL SPENT (AS OF 12/12)
Maine Commission on Children's Health Care **LD 1904 - P.L. 1997, C. 560**	Representative Randy Berry	SPO; Jane Orbeton OPLA	4	5	10/14	12/15/97	PS: $1,540 AO: 1,900	$1,320.00 $1,179.91
Task Force on Improving Access to Prescription Drugs for the Elderly **LD 1904 - P.L. 1997, C. 560**	Sen. Chellie Pingree	Peggy Reinsch Darlene Shores Lynch OPLA	4	2	12/4	1/15/98	PS: $1,320 AO: 1,700	$275.00 $126.92
Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine **LD 1905 - Resolves 1997, c. 85**	Rep. Arthur Mayo	John Kelley Darlene Shores Lynch OPLA	4	2	12/1	1/1/98 Ext. Req. 1/16/98	PS: $880 AO: 1,300	$275.00 $273.42
Privacy of Genetic Information (see LD 1243)	Banking & Insurance Committee	Colleen McCarthy Reid OPLA	Subcomm: 2 Full Comm: 1	3		12/15/97	PS: $1,265 AO: 1,650 (Costs absorbed within Legislative Budget)	$550.00 $496.17
BEC Review of Agencies under the Government Evaluation Act	Business & Economic Development Committee	OPLA	3	3			PS: $2,145 AO: 1,950 (Costs absorbed within Legislative Budget)	$1,045.00 $1,174.30
	Banking & Insurance Committee		2	2				$990.00 $758.78
Scope of Juvenile Justice Problems and Services in Maine		Marion Hylan Barr Megan Dennen OPLA	Full Comm: 1 Subcomm: 1	1 Full Comm.		11/1/97	PS: $990 AO: 1,400 (Costs absorbed within Legislative Budget)	$550.00 $644.25
Jt. Select Committee on Research & Development	Senator Mary R. Cathcart	(Roy Lenardson) Amy Holland OPLA	3 1 addt'l meeting approved	4	9/24	1/1/98	PS: $2,310 AO: 2,600 (Costs absorbed within Legislative Budget)	$2,530.00 $2,754.12
Jt. Select Committee to Oversee Maine Yankee Atomic Power Company		Jon Clark OPLA	4	5	8/27	1/31/98	PS: $2,860 AO: 3,100 (Costs absorbed within Legislative Budget)	$2,475.00 $1,874.30

Prepared by the Office of the Executive Director 12/15/97

STATE OF MAINE
HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

November 25, 1997

Speaker Elizabeth Mitchell
Legislative Council, Chair
115 State House Station
Augusta, ME 04333

Dear Speaker Mitchell,

I am writing to request an extension for the report of the Task Force to Study Strategies to Support Parents As Children's First Teachers. The original deadline was December 1. However, since we have been unable to meet until this month, I respectfully request that our deadline be extended to January 15, 1998. Thank you.

Sincerely,

Christina Baker

Christina Baker
State Representative

cc: Sally Tubbesing

NOV 25 1997

Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine

RECEIVED
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SPEAKER OF THE HOUSE

Members
Rep. Arthur F. Mayo, III, Chair
Sen. Bruce W. MacKinnon
Rep. Jane W. Saxl
Timothy Agnew
Douglas S. Carr
Thomas J. Giordano
S. Catherine Longley
Edward Gorham
Thomas D. McBrierty
Jim McGregor
Patrick Murphy
Peter Sassano

Staff
John Kelley
Colleen McCarthy Reid
Darlene Shores Lynch
Maine State Legislature
Office of Policy and Legal Analysis
State House Station 13
Augusta, ME 04333
(207) 287-1670

Received by:
Carrie
David
Jane
Karin
Pat ✓
Patrick
Peggy

December 2, 1998

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

On behalf of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine, I am writing to request an extension of our reporting deadline from January 1, 1998 to January 16, 1998.

As you are aware, the first meeting of the Commission was convened only yesterday, and the task before it is both vast and important. Commission members find that an extension to January 16 will provide the time to focus on some key issues and propose worthwhile recommendations and solutions.

We appreciate the Legislative Council's consideration of this request and hope you and Council members look upon it favorably.

Sincerely,

Rep. Arthur F. Mayo, III (cmc)

Rep. Arthur F. Mayo, III

Task Force to Study Equal Economic Opportunity for All Regions of the State

Members
Rep. Marc J. Vigue, Chair
Sen. John J. Jenkins
Sen. R. Leo Kieffer
Rep. Martha Bagley
Rep. Henry Joy
Alan Brigham
Robert Clark
Ron Dyer
Michael Kelley
Terrence J. MacTaggart
Charles McAlpin
Robert Thompson
Diane Tilton
John Williams

Staff
Megan Dennen
John Kelley
Maine State Legislature
Office of Policy and Legal Analysis
State House Station 13
Augusta, ME 04333
(207) 287-1670

Honorary Members
U.S. Senator Susan Collins
U.S. Representative John Baldacci
Governor Angus S. King, Jr.

December 2, 1998

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

On behalf of the Task Force to Study Equal Economic Opportunity for All Regions of the State, I am writing to request an extension of our reporting deadline from January 1, 1998 to January 16, 1998.

As required by the law creating the Task Force, we have held meetings in areas of the state that have experience weak economic growth. We have received invaluable insight on the causes of unequal economic growth in Maine and solutions to increasing employment in slower growth regions of the state. An extension to January 16, 1998 will provide the Task Force the necessary time to develop recommendations, draft legislation and write its report.

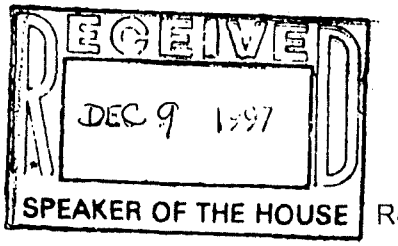
The Task Force greatly appreciates the consideration of this request by you and the Legislative Council and I hope you and Council members look upon it favorably.

Sincerely,

Marc J. Vigue /sm

Rep. Marc J. Vigue

DEC - 5 1997



Received by:
Carrie
David
Jane
Karin
Pat ✓
Patrick
Peggy

MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 8, 1997

To: Rep. Elizabeth H. Mitchell, Speaker of the House
Sen. Mark W. Lawrence, President of the Senate

From: Sen. Sharon A. Treat, Chair
Commission to Study the Unemployment Compensation System

Re: Request for Additional Meeting

The Commission to Study the Unemployment Compensation System has been working diligently since September to complete all of the duties assigned to it by Chapter 65 of the Resolves of 1997. The issues involved in our evaluation of Maine's Unemployment Compensation System are extremely complex, and we are in the process of preparing a comprehensive report with legislative recommendations.

The Commission is authorized to meet four times, and our fourth meeting will be held December 10, 1997. However, due to the volume and complexity of the issues presented to us, we feel that a fifth meeting is necessary to adequately respond to the Legislature. Therefore, we respectfully request permission to meet on December 29, 1997.

The Commission's original budget was $2,180.00, and as of December 5, 1997, our remaining balance is $1,411.17.

Thank you very much for your consideration. If you have any questions, please feel free to contact me.

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HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: (207) 287-4469

Richard R. Farnsworth
55 Old Mast Road
Portland, ME 04102
Residence: (207) 874-6399
Business: (207) 878-9663
Fax: (207) 878-2259

Received by:
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SPEAKER OF THE HOUSE

December 9, 1997

Speaker Elizabeth Mitchell
Legislative Council, Chair
115 State House Station
Augusta, ME 04333

Dear Speaker Mitchell,

I am writing to request an extension for the report of the Task Force to Study the State's Regional Service Center Communities.

We were unable to begin meeting until the first of November and have a large amount of information to analyze. I respectfully request that our deadline be extended to March 1, 1998.

Thank you for your consideration.

Sincerely,

Robert R. Farnsworth

Richard Farnsworth
State Representative

District 32 Part of Portland

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RECEIVED
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SPEAKER OF THE HOUSE

Commission to Study Insurance Fraud

Members
Sen. Lloyd P. LaFountain III, chair
Rep. Christopher P. O'Neil
Ladd Alcott
Lewis Estabrooks, D.M.D.
Jeffrey Huston
Dennis Jay
Edward McGeachey
Donald Moore
Judith E. Plummer
Margaret Ross
Louise Thomas, Esq.
Mark G. Willett

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Augusta, Maine 04333
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Received by:
Carrie
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Jane
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Patrick
Peggy

December 10, 1997

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

On behalf of the Commission to Study Insurance Fraud, I am writing to request an extension of our reporting deadline from January 1, 1998 to January 15, 1998.

The Commission has met four times since mid-October. At our most recent meeting on December 8, the Commission members reached consensus on several recommendations. The Commission finds that an extension to January 15 will provide the opportunity to meet a final time on January 5 to review the report and recommended legislation.

We appreciate the Legislative Council's consideration of this request and hope you and Council members look upon it favorably.

Very truly yours,

Lloyd P. LaFountain III
State Senator

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STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
BUREAU OF MEDICAL SERVICES

ANGUS S. KING, JR.
GOVERNOR

KEVIN W. CONCANNON
COMMISSIONER

December 15, 1997

TO: Speaker Elizabeth Mitchell

FROM: Sandra Bethanis, R.N., Chairperson, Legislative Task Force to Study Registration for In-Home Personal Care and Support Workers (H.P. 769-L.D. 1046, Chapter 29

SUBJECT: Request for Extension

The Task Force to Study the Registration for In-Home Personal Care and Support Workers is requesting that an extension be granted for the submission of their report and recommendations from January 1, 1998 to January 15, 1998.

The reason for the request for the extension is because of the inability of Task Force members to have ample time to review, comment and reconvene due to the upcoming holidays.

The Task Force's report and recommendations will be submitted to the Joint Standing Committee on Health and Human Services and the Second Regular Session of the 118th Legislature on January 15, 1998.

SB/sf

ADDRESS REPLY TO: DIVISION OF LICENSING & CERTIFICATION
35 ANTHONY AVENUE, 11 STATE HOUSE STATION, AUGUSTA, MAINE 04333
VOICE: (207) 624-5443 TTY: (207) 624-5512 FAX: (207) 624-5378

Senator Sharon Anglin Treat
District 18
3 State House Station
Augusta, Maine 04333
(207) 287-1515
TTY (207) 287-1583

THE SENATE OF MAINE
118th Legislature

PO Box 12
Gardiner, Maine 04345
(207) 582-6702
Fax (207) 588-0458
E-mail: treat@saturn.caps.maine.edu

December 12, 1997

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Sharon Treat, Chairperson, Commission to Study the Funding and Distribution of Teletypewriter and Other Telecommunications Equipment for People with Disabilities

RE: **Extension Request**

Pursuant to the authorizing legislation that established the Commission, I am requesting an extension beyond the January 1, 1998 reporting date (see Resolves 1997, c. 72, § 5). The Commission requires an extension for three reasons:

1. The Commission was not convened until December 5th;

2. Commission members will not have sufficient time between now and the established reporting deadline to properly consider the range of issues involved in the six charges before the Commission; and

3. Commission members and staff require additional time in order to complete their work and prepare legislation for consideration during the Second Regular Session of the 118th Legislature.

On behalf of the Commission, I am requesting an extension until Monday, February 16, 1998. The Commission has already scheduled its next two meetings for December 16, 1997 and January 6, 1998 (subject to Legislative Council authorization). We hope to continue our deliberations, schedule a final meeting later in January, and allow staff sufficient time to draft the Commission's report, recommendations, and any proposed legislation so that they will be considered by the Legislature.

DEC 16 1997

I trust that the Legislative Council will consider this request at the next scheduled Council meeting on December 18th. Please contact me should you require any further information. Thank you for your consideration of this request.

cc: Sally Tubbesing, Executive Director, Legislative Council
David Boulter, Director, Office of Policy & Legal Analysis
Members, Commission to Study the Funding and Distribution of Teletypewriter and Other Telecommunications Equipment for People with Disabilities

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MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 16, 1997

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

I am writing on behalf of the Commission to Study the Unemployment Compensation System, to request that our reporting deadline be extended from January 1, 1998, to February 1, 1998.

As mentioned in my memorandum of December 8, 1997, the Commission has been charged with evaluating numerous aspects of Maine's unemployment compensation system, which for several years in a row has had to be bailed out with emergency stop-gap legislation to ensure solvency. While we have been working diligently to meet our deadline, including four all-day meetings, the issues involved are very complex and controversial and require detailed analysis and discussion.

The Commission feels strongly that additional time is necessary to effectively respond to the Legislature's charges. We are committed to proposing a long-term solution to the solvency problem and the other issues we have been asked to address but cannot do so in the time currently allotted to us.

Thank you very much for your consideration. If I can answer any questions, please feel free to contact me.

Sincerely,

Senator Sharon A. Treat
Chair, Commission to
Study the Unemployment
Compensation System

cc: David E. Boulter
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SENATE

RICHARD P. RUHLIN, DISTRICT 6, CHAIR
BEVERLY C. DAGGETT, DISTRICT 15
S. PETER MILLS, DISTRICT 13

KEVIN MADIGAN, LEGISLATIVE ANALYST
MICHELLE FRENCH, COMMITTEE CLERK

HOUSE

VERDI L. TRIPP, TOPSHAM, CHAIR
JOHN L. TUTTLE, JR., SANFORD
BONNIE GREEN, MONMOUTH
G. STEVEN ROWE, PORTLAND
KENNETH T. GAGNON, WATERVILLE
ALTON E. MORGAN, SOUTH PORTLAND
ROBERT W. SPEAR, NOBLEBORO
KENNETH F. LEMONT, KITTERY
JOHN T. BUCK, YARMOUTH
PETER E. CIANCHETTE, SOUTH PORTLAND

STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON TAXATION

December 11, 1997

Honorable Elizabeth H. Mitchell
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear Madam Speaker:

The Joint Standing Committee on Taxation has been meeting over the last few weeks in an effort to develop recommendations to the Legislature on two fronts: Tax Reform pursuant to PL 1997, c. 557, Part F and Surplus pursuant to your agreement with us allowing the Committee to meet during the interim. Both of these studies have gone well and we are very near conclusion in achieving our objectives. Unfortunately, PL 1997, c. 557 limited the number of meetings authorized to be held by the Committee to four. We have held four meetings but find that we need one more in order to put ourselves in a position to quickly move forward in the 2nd Regular Session of the 118th Legislature. Therefore, we are requesting authorization from you to meet on Thursday, December 18 at 1:00 p.m. (after the Chairs' meeting). Based on the results of that meeting, the Committee should have a good idea of those areas in which a large majority of the Committee will want to focus its efforts on Tax Reform.

Thank you for you considering our request. We look forward to your positive response.

Sincerely,

Richard P. Ruhlin
Senate Chair

Verdi L. Tripp
House Chair

cc: Sally Tubbesing, Executive Director, Legislative Council
Kevin Madigan, Legislative Analyst

DEC 11 1997

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115 TELEPHONE 207-287-1552

MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 15, 1997

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

On behalf of the Joint Select Committee on Research and Development, we are writing to request an extension of our reporting deadline from January 1, 1998 to January 15, 1998. In addition, we are requesting authority to hold an additional meeting on January 6, 1998. The only additional funding required for this meeting will be for the per diem and expenses of the members.

Our committee has met 4 times and gathered a great deal of information relating to research and development in the State of Maine and the actions needed to fully support R&D in the target areas identified in the Joint Order establishing the committee. An additional meeting and an extension to January 15, 1998 will provide us with the necessary time to finalize our recommendations, review the draft report and prepare legislation.

The Committee greatly appreciates the consideration of this request by you and the Legislative Council and we hope you and Council members look upon it favorably.

Sincerely,

Sen. Mary Cathcart
Co-Chair

Rick Bennett /ABH
Sen. Richard Bennett
Co-Chair

cc: Members, Legislative Council
Sally Tubbesing, Executive Director, Legislative Council

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DEC 17 1997

RECEIVED
DEC 1 / 1997
SECRETARY OF THE HOUSE

TASK FORCE ON STATE AND FEDERAL TAX FILING

Appointed members:
Rep. Scott Cowger, Chair
Sen. John Nutting
Representative Peter Cianchette
Robert Flanagan, Department of Labor
Tom Giordano, Maine Revenue Services
Patricia Leblanc, Leblanc Foods, Inc.
Brian Mahany, Maine Revenue Services
Jim McGregor, Maine Merchants' Association
James Parker, Civil Engineering Services

Invited members:
Thomas Sawyer, Internal Revenue Service
Kathy Idziak, Internal Revenue Service

Received by:
Carrie _____
David _____
Jane _____
Karin _____
Pat ✓
Patrick _____
Peggy _____

December 17, 1997

Speaker Elizabeth H. Mitchell, Chair
Legislative Council
118th Maine Legislature

re: Extension request

Dear Speaker Mitchell:

Resolves 1997, Chapter 66 created the Task Force on State and Federal Tax Filing to develop a mechanism for a single-form filing and payment system for state and federal tax payments and withholdings for small businesses. The Resolve authorizes the Task Force to meet up to four times and report by January 1, 1998. The Legislative Council may grant an extension upon application by the Task Force.

The Task Force has met four times, beginning November 24, 1997. We knew at that initial meeting that time alone would not allow us to complete the proposed work by January 1, 1998. We have begun to make progress, but the IRS representatives were unable to participate until the third meeting. Based on the experience in this State and in other states, developing a cooperative state-federal response to tax and related questions is a fairly long process. We have identified a few improvements that can be made without involving the federal government, but to carry out the central charge of the Resolve will require ongoing discussions and negotiations with the IRS.

We therefore request an extension of the Task Force reporting date to January 1, 1999. In addition to a central legal issue that must be resolved, there are two tasks which must be accomplished. First, we need to determine the best way to simplify filing and payments to benefit the small businesses in Maine. Second, we need to work cooperatively with the IRS to identify and resolve all the practical details of carrying out a simplified system. We envision monthly meetings of the Task Force, which officially includes a local IRS representative and an IRS representative based in Washington, D.C. U.S. Rep. Tom Allen has directed his staff to participate in the process as well, which will be very helpful should federal legislation be necessary.

The Task Force's legislative recommendations consist of the extension of the reporting date until January, 1999, no limit on the number of meetings and financial support for the continuation of the Task Force, including expenses for public members.

If you have any questions, please feel free to contact us. Thank you for your consideration of our request.

Sincerely,

Rep. Scott Cowger
Task Force Chair

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DEC 17 1997

STATE OF MAINE
118TH MAINE LEGISLATURE

COMMISSION TO EXAMINE RATE SETTING AND THE
FINANCING OF LONG-TERM CARE FACILITIES

Joseph M. Kozak, Chair

RECEIVED
DEC 15 1997
SPEAKER OF THE HOUSE

Received by:
Carrie
David
Jane
Karin
Pat ✓
Patrick
Peggy

December 12, 1997

Honorable Elizabeth Mitchell
Chair, Legislative Council
118th Legislature

Dear Speaker Mitchell:

On behalf of the members of the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities I'd like to thank you for granting our request for an extension on our reporting deadline until November 1998.

As we continue to collect information, our sense of the magnitude of the study increases; we expect to be very busy indeed next interim. We have discussed the resources and time we feel we will need in order to do a credible job. We feel we will need 10-12 meetings to complete our business. We also believe we will need to bring in at least 2 consultants from other states to talk with us about issues related to rate setting in the long-term care industry. It appears we will be able to bring these experts to us for the cost of their expenses, which we estimate will be in the area of $2,500 each. Factoring in miscellaneous expenses, including postage costs for our mailings, we have determined we will need an additional appropriation of $10,000.

We understand there is a study underway to examine the manner of funding studies in the future. Since we do not know what the resolution of that study may be, we are submitting, in accordance with our authorizing legislation (Section 7 of Chapter 81 of the Resolves of 1997), the attached interim report with proposed legislation to provide the funding we recommend. We have filed the legislation with the Revisor of Statutes for processing.

Thank you again for your support of the continuation of this important study.

Sincerely,

Joseph M. Kozak
Chair

Enclosures

cc: Members, Legislative Council
Members, Long-term Care Study Commission
Sally Tubbesing, Executive Director, Legislative Council
Commission service list

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118th Maine Legislature

Commission To Examine Rate Setting And The Financing Of Long-Term Care Facilities

Interim Report
December 15, 1997

Members:

Joseph M. Kozak, Chair
Senator Philip E. Harriman
Senator Rochelle Pingree
Representative Elaine Fuller
Representative Jean Ginn-Marvin
Francis Finnegan
Michael Goodwin
Harmon D. Harvey
Carolyn Kasabian
Michael McNeil
Judy McGuire
Hilton Power
Wayde Rankin
Betsy Sweet
Sally Wagley

Staff:

Jon Clark, Legislative Counsel
Jon Kachmar, Researcher
Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333, Rm. 101/107/135
(207) 287-1670

Interim Report of the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities

The Commission to Examine Rate Setting and the Financing of Long-term Care Facilities Commission, established by Resolves of 1997, Chapter 81 (copy attached as Appendix A), was directed to examine a variety of issues related to the long-term care industry and to issue its report with necessary legislation by December 15, 1997.

On November 13, 1997, the commission submitted a letter to the Legislative Council requesting an extension of its deadline until November 1998 (letter attached as Appendix B). On November 20, pursuant to the authority granted under Resolves of 1997, Chapter 81, Section 7, the Council approved the requested extension.

The commission was called to its first meeting on November 3, 1997. It held three subsequent informational meetings on November 12, 19 and December 3 in which it received voluminous data concerning various aspects of the long-term care industry. The commission will hold an additional planning session on December 17 and expects to resume its study in April, 1998, following the Second Regular Session of the 118th Legislature.

Findings and Recommendations

In order to complete its examination of the complex issues outlined in Resolves of 1997 Chapter 81, the commission finds it will require supplemental funding. The commission expects to need to hold ten to twelve meetings during the 1998 interim. It also finds that in order to obtain an adequate understanding of the complex issues surrounding rate setting for long-term are facilities, it will need to bring before it at least two expert consultants. The commission estimates that the cost of funding the expenses of the consultants, who will come from out of state, will be approximately $2,500 a person. In order to fund this expense, to continue to fund expenses and per diem for legislative members and to cover miscellaneous costs of copying and mailing materials, the commission recommends the commission receive supplemental funding of $10,000.

Pursuant to its authority under Resolves of 1997, Chapter 81, Section 7, attached to this report as Appendix C is draft legislation which implements the commission's recommendation for supplemental funding.

APPENDIX A

Resolves 1997, Chapter 81

APPENDIX B

Letter Requesting Extension

STATE OF MAINE
118TH MAINE LEGISLATURE

COMMISSION TO EXAMINE RATE SETTING AND THE
FINANCING OF LONG-TERM CARE FACILITIES

Joseph M. Kozak, Chair

November 13, 1997

Honorable Elizabeth H. Mitchell
Chair, Legislative Council
118th Maine Legislature

Dear Speaker Mitchell:

I am writing on behalf of the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities to request an extension of our reporting deadline.

As you know, the resolve establishing this study commission was signed into law as an emergency on June 12th. Under the terms of the resolve, the first meeting was to be held before the end of July. The resolve establishes a reporting deadline of December 15th.

As the Legislature clearly understood, the scope and magnitude of this study are significant. The issues surrounding rate setting for long-term care facilities are many, interrelated and difficult. The time-line established for the commission by the resolve provided some five months to undertake the study.

However, as you are well aware, the appointments to this commission were only recently completed. As a result, we were first convened on November 3, forty-two days before our deadline to issue a report.

Members of the commission are unanimously of the opinion that the issues raised by the study are complex, difficult and cannot be treated quickly or in a cursory manner. The commission has received data showing that that the nursing facilities in the state currently carry on the order of a quarter billion dollars of debt, a sizable chunk of which is backed by the State's moral obligation. The commission feels it would be imprudent to produce any recommendations that could impact the repayment of this debt without first undertaking a thorough examination of the industry and the financial implications of any changes we might recommend. This will obviously require substantial time.

Commission members are of the opinion that the commission has insufficient time to undertake a credible study and to produce a report that will be of use to the Legislature. We also note that the issues raised by the study are sufficiently interrelated that it seems inappropriate and counter-productive for us to focus on some subset of the issues for

study; a report on such a subset of issues would likely amount to little more than a recitation of the interrelationship of those issues with other issues not examined.

We have been meeting weekly in an effort to begin the examination of the issues. We have been reviewing data and have developed a better sense of the scope of the study and the time we feel is needed to complete it. We have reviewed data on the financial condition of the industry (including long-term debt, financial ratios and comparisons with other states), staffing levels, the quality of care assessment system and the case mix reimbursement system. The data is voluminous and raises as many important questions as it answers.

In the process of examining the data we have noted a number of issues not specifically identified in the resolve that we feel need to be examined in the course of any serious study of the subject. The list is dynamic but presently includes these issues:

- What is the interface of the long-term care industry with the rest of the health care industry (how do decisions affecting one impact the other)?
- What are the effects of regulatory requirements on the industry (e.g., nurse time spent filling out forms)?
- How should and does the State's moral-obligation backing of industry debt affect state policy decisions with regard to the industry?
- How viable and stable is the industry today?
- What is the quality of current industry management and how can it be assessed?
- How do staffing levels relate to quality of care?
- What are the financial effects of the recent federal repeal of the so-called Boren Amendment?
- How will managed care impact the industry and how will it affect the State's control over the quality of care?

Based on our evaluation of the scope and magnitude of the study, the commission unanimously requests an extension until November 1998.

We are aware that the session begins in January. We are also aware that there are a number of issues associated with extending this study into the session, including the serious scheduling difficulties it will create for a number of members of the commission and the reduced availability of legislative staff.

We are asking for an extension to the next interim in order to avoid the difficulties associated with attempting to conduct the study during the session. This extension would allow us to set the work aside during the session and to recommence work in earnest after the session finished. Our report and recommendations would be available to the Legislature in the following session.

On behalf of the commission, I would like to thank the Council in advance for its consideration of this request. We look forward to the Council's decision and any further guidance it might care to provide to us in this matter.

Sincerely,

Joseph M. Kozak
Chair

cc: Members, Legislative Council
Sally Tubbesing
Commission members
Commission service list

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APPENDIX C

Legislation Implementing Commission's
Supplemental Funding Recommendation

Submitted by the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities Pursuant to Resolves of 1997, Chapter 81, Section 7

Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

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

Whereas, this resolve is necessary as an emergency measure to provide funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities to continue its work immediately following the Second Regular Session of the 118th Legislature; 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,

Sec. 1. Extended study. Resolved: That the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities, established by Resolves of 1997, Chapter 81 and granted a reporting extension until November, 1998 by the Legislative Council on November 20, 1997 pursuant to authority granted under that resolve, shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 119th Legislature by November 30, 1998.

Sec. 2. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

LEGISLATURE

Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

Personal Services	$4,840
All Other	$5,160

Provides supplemental funds for the per diem and expenses of legislative members, funding for consultants, and miscellaneous costs of the Commission to Examine Rate Setting and the Financing of Maine's Long-term

Care Facilities.

LEGISLATIVE TOTAL	$10,000

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

SUMMARY

This resolve provides supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

ANGUS S. KING, JR.
GOVERNOR

ALESSANDRO A. IUPPA
ACTING SUPERINTENDENT

To: Governor Angus King, Jr.
Senator Susan Longley, Chair of Joint Standing Committee on Judiciary
Representative Richard Thompson, Chair of Joint Standing Committee on Judiciary
Senator Lloyd LaFountain, Chair of Joint Standing Committee on Banking and Insurance
Representative Jane Saxl, Chair of Joint Standing Committee on Banking and Insurance
Sarah Tubbesing, Executive Director of the Legislative Council

From: Alessandro Iuppa, Acting Superintendent

Date: December 1, 1997

Re: Maine Medical Liability Demonstration Project

Pursuant to Title 24-A M.R.S.A., Section 2978, the Bureau of Insurance is to compile an interim report on the Medical Liability Demonstration Project by December 1, 1997. Enclosed please find our report which will be provided to the members of the Joint Standing Committees on Judiciary and Banking and Insurance through Peggy Reinsch and Colleen McCarthy Reid respectively. We are available to answer any questions that you may have on this report and would be willing to make a presentation to any of the committees at their request. Thank you.

BUREAU OF INSURANCE

Interim Report on the Medical Liability Demonstration Project

December 1997

Prepared for:

Governor Angus S. King, Jr.
Joint Standing Committee on Banking and Insurance
Joint Standing Committee on Judiciary
Office of the Executive Director of the Legislative Council

Contact:

Danielle L. Bartosiewicz, Actuarial Assistant
(207) 624-8470
Richard E. Johnson, Actuary
(207) 624-8427

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Results of Any Closed Claims II

Status of Any Open Claims III

Premium Data IV

Number of Participating Physicians V

I. EXECUTIVE SUMMARY

Interim Report on the Medical Liability Demonstration Project

December 1997

Purpose

The Bureau of Insurance of the State of Maine is required to compile an interim report on the Medical Liability Demonstration Project by December 1, 1997 pursuant to Title 24 M.R.S.A., Section 2978. By law, this report shall include:

- The number of claims brought against physicians in the project alleging malpractice as a result of incidents occurring on or after January 1, 1992.
- The results of any closed claims described in this section, including defense costs and indemnity payments as a result of settlement or verdict.
- The status of all open claims described in this section, including defense costs, indemnity payments and any amounts held in reserve in the aggregate by medical specialty area.
- The effect of the project on the medical liability claims experience and premiums of those physicians in the project.

Conclusions

The law does not require the Bureau to draw conclusions on the effectiveness of the project based in this interim report. The final report is due on December 1, 2000. The Bureau would like to highlight that in the five years of claims data collected we have only one case in which a physician asserted that the protocols were followed as a defense. In this case, it was reported that the court found that the physician was not in compliance with the Medical Liability Demonstration Project Protocols (See the highlighted line in Exhibit II, Page 2 for the details on this claim).

In addition, based upon currently available data, we are unable to conclude whether the Medical Liability Demonstration project has had an effect on the claims experience or the premiums of those physicians participating in the project.

Data Limitations

The data included in this report was submitted from the insurance companies licensed in Maine who write insurance in the four specialty areas - anesthesiology, emergency medicine, obstetrics and gynecology, and radiology. These four specialty areas comprise the Demonstration Project. In order to test the accuracy of the data, several data checks were conducted before compiling the exhibits included in this report. The data checks included verifying that the date of incident occurred within the period starting 1/1/87 and ending 12/31/97. Those claims that did not were discarded from the study (approximately 450 claims). We also checked the specialty areas reported to us for each claim and found that several did not fall within the four specified in the Demonstration Project. These claims were also discarded (40 claims).

Lastly, we had one company report 368 claims in which the specialty area was not identified, nor did they identify the physician's status as a participant in the project. Due to the large volume of claims falling into the latter category, the company was directed to verify these claims and provide the information necessary to complete the study. For this report, we have excluded those claims until we have received updated information from the company. We hope to provide you a revised report including these claims by mid January 1998. This additional data will change the Exhibits in this report, but it is unlikely that the conclusions stated above will change. We expect that we will have only one claim in which the defense was asserted, and that the claims experience and the premiums of the physicians in project were not affected by the implementation of the protocols under the Demonstration Project.

Senator Judy Ayotte Paradis
District 1
3 State House Station
Augusta, Maine 04333
(207) 287-1540

THE SENATE OF MAINE
118th Legislature

40 US Route 1
Frenchville, Maine 04745
(207) 728-4854
Fax (207) 728-6374

December 18, 1997

Speaker Elizabeth Mitchell, Chair
President Mark Lawrence, Vice-chair
Legislative Council
15 State House Station
Augusta, ME 04333

Dear Speaker Mitchell, President Lawrence and Members of Legislative Council:

I am writing to request payment of 51,730 France (or $8,592.35, according to today's exchange rate of .1661) for the State of Maine's current and past annual dues to the Assemblée Internationale des Parlementaires de Langue Française (AIPLF), as well as payment for 5 years subscription to the publication *Parlements et Francophonie*. Our current and past balance to AIPLF breaks down as follows:

1997 annual dues:	13,000 F	($2,159.30)
1996 annual dues:	12,800 F	($2,126.08)
1995 annual dues:	12,530 F	($2,081.23)
1994 annual dues:	12,250 F	($2,034.73)
1993 annual dues:	12,000 F	($1,993.20)

In addition, we owe a total of 1,400 F ($232.54) for 5 years subscription (1993-1997) to the publication *Parlements et Francophonie*.

As you know, I am currently the Maine President of AIPLF. It would be much appreciated if we could take care of this balance as soon as possible.

Sincerely,

Judy Paradis
State Senator - District 1

SPMC PROJECT BUDGET ESTIMATE

SOUTHERN MAINE TECHNICAL COLLEGE

SPMC SPRING POINT MEDIA CENTER

PROJECT NAME: Legislative Process DATE: 12/3/1997
CONTACT: Carol Kontos PHONE: 287-1430
DUE DATE: 4/30/1998 FORMAT: DVC/SVHS

Budget is for a production similar to the Washington State video using the same format adapted to fit the Maine process. Budget includes the research and writing of a script, two weeks of videotaping interviews and cutaways in the Statehouse/Augusta and 80 hours of editing with professional voiceover talent, computer graphics and original music track.

SERVICE	RATE/hr	UNITS	TOTAL
PREPRODUCTION			
producer/dir	25	40	1000
travel/mi	0.3	300	90
writer	35	90	3150
research/admin	15	100	1500
supplies	10	25	250
misc			0
			0
			0
TOTAL			5990
SHOOT			
director	25	120	3000
crew of 2	20	80	1600
tech	15	80	1200
equip	50	80	4000
studio	50	10	500
rentals	50	10	500
tape	12	15	180
travel/mi	0.28	900	252
meals crew lunch	4	32	128
talent	100		0
misc	25	20	500
			0
TOTAL			11860

	RATE/hr	UNITS	TOTAL
POSTPRODUCTION			
dir./ editor	25	84	2100
comp. graphx	15	50	750
edit equip	35	80	2800
graphics sta.	25	50	1250
music	50	20	1000
talent - VO	50	12	600
audio rec	25	4	100
digital media	90	3	270
tape	12	3	36
			0
			0
TOTAL			8906
DUPLICATION			
VHS copies	5	1000	5000
3/4 SP	25	8	200
Beta SP	75	1	75
TOTAL			5275
INKIND			7000
GRAND TOTAL			25031

Spring Point Media Center
@ Southern Maine Technical College Fort Rd., South Portland, ME 04106
Video Technology / 207-767-9581 Production Services & Fax / 207-767-9401

Legislative Video Production

November 24, 1997
1:30pm - 3:00pm

Attendants: Rep. Carol Kontos, Ryan Low, Barbara Merrill, Ted Potter, Joe Mayo, Barry McCrum, Ted Miles, Andrea Stephan, Dan Gwadosky, Trudy Deblois, Bob Roy, Tony Vigue, Steve Crane

Much of this initial meeting focused on getting this project started. The idea for a legislative video, available mainly for educational purposes, arose from Representative Kontos' meetings with other State leaders. Currently, Washington State and New Jersey already have videos available.

After a brief preview of the Washington video, discussions focused on the videos costs, funding and distribution. Ted Miles of Spring Point Media, during prior discussions with Washington's video production team, determined that the approximate cost of producing the video would be $25,000. This figure counted 1000 copies of the video, as well as in-kind contributions. Everyone agreed that this was a fairly accurate figure.

A discussion on possible funding sources centered on four areas:

- corporate contributions
- in-kind contributions
- non-profit sources
- legislative funding

Barbara Merrill suggested making several copies of the video and soliciting several corporations for $500 or $1000 contributions each. Barbara Merrill and Representative Kontos agreed to meet early in December to develop a list of potential corporate donors.

Ted Miles, Barry McCrumb (Time Warner) and Trudy Deverce agreed to meet prior to the next meeting to draft an initial budget for the project.

Secretary of State Dan Gwadowsky discussed the idea of increased Public Service Announcements. PSA's could be used to inform the public about new laws or other legislative initiatives. Barry McCrumb agreed to work with the SOS's office to develop some pilot PSA's.

It was agreed that the next meeting would take place December 15th @ 1:30pm at State Cable in Augusta.

Legislative Video Production

December 15, 1997
1:30pm - 3:00pm

Attendants: Rep. Carol Kontos, Ryan Low, Barbara Merrill, Ted Potter, Joe Mayo, Barry McCrum, Ted Miles, Andrea Stephan, Dan Gwadosky, Trudy Deblois, Bob Roy, Tony Vigue, Polly Bennell

The early portion of this meeting focused on fundraising issues. Rep. Kontos, Barry McCrum, and Barbara Merrill had agreed at the last meeting to form a sub-committee to begin looking into fundraising. Barbara Merrill reported that her initial calls had showed that there was interest in funding this project from the corporate sector. It was suggested that a fund-raiser be held in Hallowell on January, with invitations going out from Legislative Leadership to possible corporate contributors. A screening of the Washington Video would also be planned at the reception.

Discussions also focused on how we would receive and allocate any funds that were given. Tony Vigue (CTAM), Ted Miles (SMTC), Barry McCrum(NECTA) and Ted Potter all agreed to follow up further and report back to the group at the next meeting.

Trudy Deblois and Ted Miles presented the group with a initial budget. (Enclosed)

Polly Bennell agreed to begin the process of drafting a script. Ted Miles and Polly pointed out that the Washington State Video included approximately 20 interviews. It was agreed that our video would probably require fewer interviews.

Polly raised the question of timing for the video. Rep. Kontos said that she would like to have the footage of the legislature covered during the upcoming session, while individual interviews could be scheduled anytime. Given the proximity of their studio, it was agreed that footage and interview would be done by State Cable in Augusta, with post production being handled by Andrea and Ted Miles at SMTC.

It was also agreed that an advisory group would be created to begin discussions on deciding who would appear in the video and what unique elements of the Maine Legislature would be highlighted. The group plans to meet December 22 at the Statehouse.

The focus then moved back to budget and fundraising issues. It was agreed that pre-production and fundraising would occur before the session. It was determined that the production would begin only after funds were raised.

It was decided that the next meeting would take place on Monday, January 5th @ 1:30pm in the Statehouse.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 11, 1997

Action

SPONSOR: Rep. Dexter, Edward L.

LR 3313 An Act to Amend the Charter of the Bingham Water District

SPONSOR: Rep. Desmond, Mabel J.

LR 3314 An Act Regarding the State Valuation of the Town of Ashland

SPONSOR: Rep. Muse, Christopher T.

LR 3309 An Act to Increase the Number of Probation Officers and Corrections Support Staff

SPONSOR: Sen. Paradis, Judy

LR 3311 An Act to Reduce the Town of Ashland's Valuation

SPONSOR: Rep. Perkins, Royce W.

LR 3308 An Act to Exempt Adult Diapers from the Sales Tax

SPONSOR: Rep. Spear, Robert W.

LR 3306 An Act to Expand the Time Period During Which Signs May be Put up Advertising Farm Stand Sales

SPONSOR: Rep. Tuttle, Jr., John L.

LR 3303 An Act Regarding the Expanded Archery Deer Hunting Season

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Cleveland, John J.	TABLED 11/20/97
LR 3294	An Act to Limit Mandatory Overtime	
SPONSOR:	Sen. Cleveland, John J.	TABLED 11/20/97
LR 3295	An Act to Reduce Maine's Unfunded Liability	
SPONSOR:	Rep. Gagne, Rosita	TABLED 11/20/97
LR 3287	An Act to Allow a Court to Appoint Legal Counsel for a Parent to Act Beyond the Limits of an Appointment for Child Probation Case Purposes	
SPONSOR:	Rep. Mitchell, Elizabeth H.	TABLED 11/20/97
LR 3289	An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Year Ending June 30, 1998 and June 30, 1999	
SPONSOR:	Sen. Pingree, Chellie	TABLED 11/20/97
LR 3288	An Act to Improve Access to Women's Heathcare	
SPONSOR:	Rep. Tuttle, Jr., John L.	TABLED 11/20/97
LR 3282	An Act Regarding Veterans' Benefits	
SPONSOR:	Rep. Tuttle, Jr., John L.	TABLED 11/20/97
LR 3283	An Act to Permit Employees to Require Receiving Unemployment Benefits in Certain Cases	
SPONSOR:	Rep. Tuttle, Jr., John L.	TABLED 11/20/97
LR 3284	An Act to Authorize an Apprentice Cadet Program in the Bureau of State Police	
SPONSOR:	Rep. Tuttle, Jr., John L.	TABLED 11/20/97
LR 3285	An Act to Establish the State Police Law Enforcement Scholarship Program	
SPONSOR:	Rep. Usher, Ronald E.	TABLED 11/20/97
LR 3296	An Act to Allow a Utility Company Vehicle to Use a Siren When Responding to an Emergency	

JOINT RESOLUTION

SPONSOR: Rep. Brooks, Joseph E.

TABLED
11/20/97

LR 2771 JOINT RESOLUTION, MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO BAN THE MANUFACTURE AND SALE OF ANTI-PERSONNEL LAND MINES IN THE UNITED STATES AND THEIR USE INTERNATIONALLY

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 16, 1997

Action

SPONSOR: **Rep. Carleton, Jr., Joseph G.**

LR 3324 An Act Regarding the Issuance of Depuration Certificates by the Commissioner of Marine Resources

SPONSOR: **Rep. Desmond, Mabel J.**

LR 3314 An Act Regarding the State Valuation of the Town of Ashland

SPONSOR: **Rep. Dexter, Edward L.**

LR 3313 An Act to Amend the Charter of the Bingham Water District

SPONSOR: **Rep. Donnelly, James O.**

LR 3327 An Act to Amend the Laws Regarding Purple Heart License Plates

SPONSOR: **Rep. Donnelly, James O.**

LR 3328 An Act to Amend the Laws Regarding Intellectual Property Rights

SPONSOR: **Rep. Mitchell, Elizabeth H.**

LR 3325 An Act to Establish the Maine Stay Scholarship Program

SPONSOR: **Rep. Muse, Christopher T.**

LR 3309 An Act to Increase the Number of Probation Officers and Corrections Support Staff

SPONSOR: **Sen. Paradis, Judy**

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ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 18, 1997

Action

SPONSOR: Rep. Mayo III, Arthur F.

LR 3330 An Act to Amend the Charter of the Bath Water District

SPONSOR: Rep. Kontos, Carol A.

LR 3329 An Act to Encourage Customer Choice and Competitive Rates for Natural Gas