



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1884

S.P. 661

In Senate, March 15, 2012

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

Reported by Senator McCORMICK of Kennebec for the Joint Standing Committee on Health and Human Services pursuant to Joint Rule 353.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed pursuant to Joint Rule 218.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-I, sub-§47-I** is enacted to read:

3 **47-I.**

4 <u>Human Services:</u>	<u>Fund for a Healthy</u>	<u>Legislative Per</u>	<u>22 MRSA §1513</u>
5 <u>Public Health</u>	<u>Maine Study</u>	<u>Diem and Expenses</u>	
6	<u>Commission</u>	<u>for Legislators and</u>	
7		<u>Expenses Only for</u>	
8		<u>Other Members</u>	

9 **Sec. 2. 22 MRSA §1511, sub-§1,** as enacted by PL 1999, c. 401, Pt. V, §1, is
10 amended to read:

11 **1. Fund established.** The Fund for a Healthy Maine, referred to in this chapter as
12 the "fund," is established as ~~an Other Special Revenue fund~~ for the purposes specified in
13 this chapter as a separate and distinct fund for accounting and budgetary reporting
14 purposes.

15 **Sec. 3. 22 MRSA §1511, sub-§§13 and 14** are enacted to read:

16 **13. Separate accounts; annual reporting.** A state agency that receives allocations
17 from the fund and a contractor or vendor that receives funding allocated from the fund
18 shall maintain that money in a separate account and shall report by September 1st of each
19 year to the Commissioner of Administrative and Financial Services providing a
20 description of how those funds for the prior state fiscal year were targeted to the
21 prevention and health-related purposes listed in subsection 6. The Commissioner of
22 Administrative and Financial Services shall by October 1st of each year compile the
23 reports provided under this subsection and forward the information in a report to the
24 Legislature.

25 **14. Legislative committee review of legislation.** Whenever a proposal in a resolve
26 or bill before the Legislature, including but not limited to a budget bill, affects the fund,
27 the joint standing committee of the Legislature having jurisdiction over the proposal shall
28 hold a public hearing and determine the level of support for the proposal among members
29 of the committee. If there is support for the proposal among a majority of the members of
30 the committee, the committee shall request the joint standing committee of the
31 Legislature having jurisdiction over health and human services matters to review and
32 evaluate the proposal as it pertains to the fund. The joint standing committee of the
33 Legislature having jurisdiction over health and human services matters shall conduct the
34 review and report to the committee of jurisdiction and to the joint standing committee of
35 the Legislature having jurisdiction over appropriations and financial affairs.

36 **Sec. 4. 22 MRSA §1513** is enacted to read:

1 **§1513. Periodic study commission review**

2 Beginning in 2015 and every 4 years thereafter, the Legislature shall establish a Fund
3 for a Healthy Maine study commission, referred to in this section as "the commission," to
4 review allocations of the fund and to report by December 7th of the year in which the
5 commission is established to the joint standing committee of the Legislature having
6 jurisdiction over appropriations and financial affairs and the joint standing committee of
7 the Legislature having jurisdiction over health and human services matters.

8 **1. Commission membership.** The commission consists of 13 members appointed
9 as follows.

10 A. The President of the Senate shall appoint:

11 (1) Three members of the Senate, at least one belonging to the political party
12 holding the largest number of seats in the Senate and at least one belonging to the
13 political party holding the 2nd largest number of seats in the Senate. At least one
14 of the appointees must serve on the joint standing committee of the Legislature
15 having jurisdiction over appropriations and financial affairs and at least one of
16 the appointees must serve on the joint standing committee of the Legislature
17 having jurisdiction over health and human services matters;

18 (2) One person representing municipal public health departments; and

19 (3) One person representing a major voluntary nonprofit health organization.

20 B. The Speaker of the House of Representatives shall appoint:

21 (1) Four members of the House of Representatives, at least one belonging to the
22 political party holding the largest number of seats in the House of
23 Representatives and at least one belonging to the political party holding the 2nd
24 largest number of seats in the House of Representatives. At least one of the
25 appointees must serve on the joint standing committee of the Legislature having
26 jurisdiction over appropriations and financial affairs and at least one of the
27 appointees must serve on the joint standing committee of the Legislature having
28 jurisdiction over health and human services matters;

29 (2) One person representing a statewide organization of public health
30 professionals;

31 (3) One person representing a public health organization or agency operating in a
32 rural community;

33 (4) One person representing an organization providing services supported by
34 funds from the fund; and

35 (5) One person who possesses expertise regarding the fund and allocations from
36 the fund.

37 **2. Chairs.** The first-named Senate member is the Senate chair and the first-named
38 House of Representatives member is the House chair of the commission.

39 **3. Appointments; convening of commission.** All appointments must be made no
40 later than June 1st in the year in which the study is being performed. The appointing

1 authorities shall notify the Executive Director of the Legislative Council once all
2 appointments have been made. The chairs of the commission shall call and convene the
3 first meeting of the commission within 15 days of notification that all appointments have
4 been made. After the report under this section has been completed, the commission
5 disbands and new members are appointed 4 years later.

6 **4. Meetings.** The commission may meet only when the Legislature is not in regular
7 or special session. The commission is authorized to meet up to 6 times to accomplish its
8 duties under subsection 5.

9 **5. Duties.** The commission shall review the alignment of allocations from the fund
10 with the State's current public health care and preventive health priorities and goals. The
11 commission shall gather information and data from public and private entities as
12 necessary to:

13 A. Identify or review the State's current public health care and preventive health
14 priorities and goals;

15 B. Identify or review strategies for addressing priorities and goals and the potential
16 effectiveness of those strategies;

17 C. Assess the level of resources needed to properly pursue the strategies identified in
18 paragraph B;

19 D. Make recommendations for how funds from the fund should be allocated to most
20 effectively support the State's current public health and preventive health priorities,
21 goals and strategies; and

22 E. Make recommendations for processes to be used to ensure that fund allocations
23 stay aligned with the State's health priorities and goals.

24 **6. Cooperation.** The commissioner, the Commissioner of Administrative and
25 Financial Services, the Commissioner of Education and the Director of the Maine Center
26 for Disease Control and Prevention within the department shall provide information and
27 data to the commission as necessary for its work.

28 **7. Staff assistance.** The Legislative Council shall provide necessary staffing
29 services to the commission.

30 **Sec. 5. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
33 **Information Services 0155**

34 Initiative: Provides one-time funds for the computer programming costs associated with
35 establishing the Fund for a Healthy Maine as a separate fund.

36

1	GENERAL FUND	2011-12	2012-13
2	All Other	\$0	\$131,028
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$131,028</u>

5 **SUMMARY**

6 This bill, which is based on recommendations from the Commission To Study
7 Allocations of the Fund for a Healthy Maine, proposes changes to the Fund for a Healthy
8 Maine. The bill changes the Fund for a Healthy Maine from an Other Special Revenue
9 Funds account to a separate fund. It requires an annual report on targeted uses of fund
10 money to the Commissioner of Administrative and Financial Services and provides for an
11 annual report to the Legislature. It places in law review by the joint standing committee
12 of the Legislature having jurisdiction over health and human services matters of
13 legislative proposals affecting the fund that are currently in effect through Joint Rule 317.
14 It requires the Legislature to establish a study commission to review allocations of the
15 fund every 4 years in the same manner in which those allocations were reviewed in 2011
16 and to report with recommendations to the joint standing committee of the Legislature
17 having jurisdiction over appropriations and financial affairs and the joint standing
18 committee of the Legislature having jurisdiction over health and human services matters.