

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 1373 - L.D. 1855

**An Act Regarding the Fund for a Healthy Maine's Prevention, Education
and Treatment Activities Concerning Unhealthy Weight and Obesity**

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

Sec. 1. 22 MRSA §1511, sub-§6, as amended by PL 2007, c. 539, Pt. III, §3, is further amended to read:

6. Health promotion purposes. Allocations are limited to the following ~~health-related~~ prevention and health promotion purposes:

A. Smoking prevention, cessation and control activities, including, but not limited to, reducing smoking among the children of the State;

A-1. Prevention, education and treatment activities concerning unhealthy weight and obesity;

B. Prenatal and young children's care including home visits and support for parents of children from birth to 6 years of age;

C. Child care for children up to 15 years of age, including after-school care;

D. Health care for children and adults, maximizing to the extent possible federal matching funds;

E. Prescription drugs for adults who are elderly or disabled, maximizing to the extent possible federal matching funds;

F. Dental and oral health care to low-income persons who lack adequate dental coverage;

G. Substance abuse prevention and treatment; and

H. Comprehensive school health and nutrition programs, including school-based health centers.

Sec. 2. Review and report. The Commissioner of Administrative and Financial Services in consultation with the Commissioner of Health and Human Services shall create a separate budget entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal

year 2014-15. The entry must include the funds being spent on prevention, education and treatment activities concerning unhealthy weight and obesity. By October 1, 2012, the Commissioner of Administrative and Financial Services shall report on the progress under this section to the Legislature.



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1855

H.P. 1373

House of Representatives, March 8, 2012

**An Act Regarding the Fund for a Healthy Maine's Prevention,
Education and Treatment Activities Concerning Unhealthy Weight
and Obesity**

Reported by Representative STRANG BURGESS of Cumberland for the Joint Standing Committee on Health and Human Services pursuant to Joint Order, H.P. 1355.

Reference to the Committee on Health and Human Services suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

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

2 **Sec. 1. 22 MRSA §1511, sub-§6**, as amended by PL 2007, c. 539, Pt. III, §3, is
3 further amended to read:

4 **6. Health promotion purposes.** Allocations are limited to the following ~~health-~~
5 ~~related prevention and health promotion~~ purposes:

6 A. Smoking prevention, cessation and control activities, including, but not limited to,
7 reducing smoking among the children of the State;

8 A-1. Prevention, education and treatment activities concerning unhealthy weight and
9 obesity:

10 B. Prenatal and young children's care including home visits and support for parents
11 of children from birth to 6 years of age;

12 C. Child care for children up to 15 years of age, including after-school care;

13 D. Health care for children and adults, maximizing to the extent possible federal
14 matching funds;

15 E. Prescription drugs for adults who are elderly or disabled, maximizing to the extent
16 possible federal matching funds;

17 F. Dental and oral health care to low-income persons who lack adequate dental
18 coverage;

19 G. Substance abuse prevention and treatment; and

20 H. Comprehensive school health and nutrition programs, including school-based
21 health centers.

22 **Sec. 2. Review and report.** The Commissioner of Administrative and Financial
23 Services shall review the program structure for the programs of the Fund for a Healthy
24 Maine, as established in the Maine Revised Statutes, Title 22, section 1511, and
25 recommend a new program structure, including a prevention, education and treatment
26 program concerning unhealthy weight and obesity, to be used in the state budget
27 beginning in fiscal year 2014-15. The new program structure must include funding for
28 prevention, education and treatment activities concerning unhealthy weight and obesity in
29 the funding provided from the Fund for a Healthy Maine for these purposes under other
30 existing programs. By October 1, 2012, the commissioner shall report on the review and
31 recommendations under this section to the Legislature.

32 **SUMMARY**

33 This bill proposes changes to the Fund for a Healthy Maine as recommended by the
34 Commission To Study Allocations of the Fund for a Healthy Maine established pursuant
35 to Resolve 2011, chapter 112. It adds prevention, education and treatment activities
36 concerning unhealthy weight and obesity to the health promotion purposes of the fund. It
37 requires the Commissioner of Administrative and Financial Services to review the
38 program structure for the programs of the fund and to recommend a new program

1 structure, including a program for prevention, education and treatment activities
2 concerning unhealthy weight and obesity, to be used in the state budget beginning in
3 fiscal year 2014-15. It directs the commissioner to report to the Legislature on the review
4 and recommendations by October 1, 2012.

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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1373, L.D. 1855, Bill, “An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity”

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. Review and report. The Commissioner of Administrative and Financial Services in consultation with the Commissioner of Health and Human Services shall create a separate budget entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal year 2014-15. The entry must include the funds being spent on prevention, education and treatment activities concerning unhealthy weight and obesity. By October 1, 2012, the Commissioner of Administrative and Financial Services shall report on the progress under this section to the Legislature.'

SUMMARY

This amendment clarifies that the Commissioner of Administrative and Financial Services in consultation with the Commissioner of Health and Human Services is required to create a separate entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal year 2014-15. The entry must include the funds being spent on obesity prevention. By October 1, 2012, the Commissioner of Administrative and Financial Services is required to report on the progress on creating the entry to the Legislature.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

S.P. 661 - L.D. 1884

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

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

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

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

Sec. 2. 22 MRSA §1511, sub-§§13 and 14 are enacted to read:

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

14. Legislative committee review of legislation. Whenever a proposal in a resolve or bill before the Legislature, including but not limited to a budget bill, affects the fund, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over health and human services matters to review and evaluate the proposal as it pertains to the fund. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall conduct the

review and report to the committee of jurisdiction and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Information Services 0155

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

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$131,028
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$131,028

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L.D. 1884

Date: (Filing No. S-)

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

SENATE AMENDMENT “ ” to S.P. 661, L.D. 1884, Bill, “An Act To Revise the Laws Regarding the Fund for a Healthy Maine”

Amend the bill by striking out all of sections 1 and 4.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment removes the Fund for a Healthy Maine Study Commission proposed in the bill.

**FISCAL NOTE REQUIRED
(See attached)**

SPONSORED BY: _____
(Senator ROSEN, R.)
COUNTY: Hancock

SENATE AMENDMENT



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.

