

§285-A. State Employee Health Commission

1. Establishment. The State Employee Health Commission is established to serve as trustee of the group health plan in this subchapter and to provide counsel to the Executive Director of Employee Health and Wellness and the State Human Resources Officer on health and dental insurance issues, the state living resources program and other issues concerning employee health and wellness. [PL 2021, c. 312, §2 (AMD); PL 2023, c. 412, Pt. D, §3 (REV).]

2. Membership. The State Employee Health Commission consists of 24 labor and management members as follows:

A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit; [PL 1991, c. 780, Pt. Y, §25 (AMD).]

B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit; [PL 1987, c. 731, §6 (NEW).]

C. One labor member appointed by the retiree chapters of the Maine State Employees Association; [PL 1987, c. 731, §6 (NEW).]

C-1. One labor member from Maine Turnpike Authority employees appointed by the employee organization authorized to represent the employees; [PL 1997, c. 77, §1 (NEW).]

C-2. One labor member from Maine Public Employees Retirement System employees, appointed by the employee organization authorized to represent the employees; [PL 2001, c. 636, §1 (NEW); PL 2007, c. 58, §3 (REV).]

C-3. One labor member from Maine Maritime Academy employees, appointed by the employee organization authorized to represent the employees; [PL 2009, c. 64, §1 (NEW).]

D. Four management members appointed by the Commissioner of Administrative and Financial Services; [PL 1991, c. 780, Pt. Y, §25 (AMD).]

E. One management member appointed by the Court Administrators; [PL 1993, c. 68, §1 (AMD).]

F. The Executive Director of Employee Health and Wellness, ex officio; [PL 2021, c. 312, §3 (AMD).]

G. One member representing retirees appointed by the Maine Association of Retirees; [PL 1995, c. 97, §1 (AMD).]

H. One labor member from the Maine Community College System faculty or administrative unit, appointed by the employee organization authorized to represent the units; [PL 1997, c. 77, §1 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

I. One management member from the Maine Community College System appointed by the President of the Maine Community College System; [PL 2001, c. 636, §1 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

J. One management member appointed by the Executive Director of the Maine Turnpike Authority; [PL 2009, c. 64, §1 (AMD).]

K. One management member appointed by the Chief Executive Officer of the Maine Public Employees Retirement System; and [PL 2009, c. 64, §1 (AMD); PL 2021, c. 548, §45 (REV).]

L. One management member appointed by the President of the Maine Maritime Academy. [PL 2009, c. 64, §1 (NEW).]

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

[PL 2021, c. 312, §3 (AMD); PL 2021, c. 548, §45 (REV).]

3. Voting. All votes of the commission must be one vote cast by labor and one vote cast by management. The votes must be cast by the labor cochair, who must be chosen by the labor members, and the vote must represent the majority opinion of the labor members of the commission, and by the management cochair, who is the State Human Resources Officer or the officer's designee.
[RR 2023, c. 1, Pt. B, §1 (COR); RR 2023, c. 1, Pt. B, §50 (AFF).]

SECTION HISTORY

PL 1987, c. 731, §6 (NEW). PL 1989, c. 483, §A9 (AMD). PL 1989, c. 776, §2 (AMD). PL 1991, c. 528, §III2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §III2 (AMD). PL 1991, c. 780, §Y25 (AMD). PL 1993, c. 68, §1 (AMD). PL 1995, c. 97, §1 (AMD). PL 1997, c. 77, §1 (AMD). PL 2001, c. 636, §1 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2007, c. 58, §3 (REV). PL 2009, c. 64, §1 (AMD). PL 2021, c. 312, §§2, 3 (AMD). PL 2021, c. 548, §45 (REV). PL 2023, c. 412, Pt. D, §3 (REV). RR 2023, c. 1, Pt. B, §1 (COR). RR 2023, c. 1, Pt. B, §50 (AFF).

§286. Administration

The Commissioner of Administrative and Financial Services has responsibility for the state employee health insurance program through the Office of Employee Health and Wellness that is established as part of the organization of the Bureau of Human Resources. The office is headed by the Executive Director of Employee Health and Wellness. The executive director has responsibility for the daily operation of this program and for the development and maintenance of programs that promote the health and safety of the state employees. Program services must be administered through offices, systems, consultants and staff necessary to provide cost-effective, accessible and responsive services to eligible employees and retirees. Administration of the program must be consistent with rules adopted by the State Employee Health Commission. The executive director and the staff of the state employee health insurance program are appointed in accordance with the Civil Service Law. [PL 2021, c. 312, §4 (AMD).]

Appeals by eligible employees or retirees shall be to hearing officers designated by the commission. [PL 1987, c. 731, §7 (NEW).]

The cost of administration of the state employee health insurance program shall be funded from an administrative allowance to be negotiated by the commission with the health benefit carrier or carriers. Indirect costs may not be allocated to the program. [PL 1987, c. 731, §7 (NEW).]

The commissioner shall establish the Accident, Sickness and Health Insurance Internal Service Fund through the State Controller in which health insurance and dental insurance premiums collected from state departments and agencies and other plan participants, premium dividends, return of premiums resulting from risk reduction programs and any other receipts must be deposited to be used for the purposes of the state employee health insurance program. The fund is a continuing fund and may not lapse. Interest earned from investment of the fund shall be credited to the fund. [PL 1999, c. 731, Pt. M, §1 (AMD).]

An annual report shall be prepared for the Governor concerning the number of participants, premiums charged, utilization of benefits and operating costs. The report shall also include recommendations regarding future operation of the program. [PL 1987, c. 731, §7 (NEW).]

A reserve fund, administered by the Executive Director of Employee Health and Wellness and the State Human Resources Officer with approval of the Commissioner of Administrative and Financial Services, is created to protect the program from unexpected losses and self-insured losses and related expenses incurred in the provision of health and dental benefits for the eligible participants. The fund is a continuing fund and may not lapse. The Treasurer of State shall invest the fund. All proceeds of

these investments accrue to the fund. [PL 2021, c. 312, §5 (AMD); PL 2023, c. 412, Pt. D, §3 (REV).]

The reserve fund is capitalized by money from premium payments and by legislative appropriation, payments from state departments and agencies and by such other means as the Legislature may approve. All money in the fund is deemed to be the commingled assets of all the covered employees and must be used only for the purposes of this section. [PL 1989, c. 776, §3 (NEW).]

SECTION HISTORY

PL 1967, c. 543 (NEW). PL 1979, c. 657 (RPR). PL 1985, c. 785, §B16 (AMD). PL 1987, c. 731, §7 (RPR). PL 1989, c. 776, §3 (AMD). PL 1991, c. 528, §III3 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §III3 (AMD). PL 1991, c. 780, §§Y26,27 (AMD). PL 1999, c. 731, §M1 (AMD). PL 2021, c. 312, §§4, 5 (AMD). PL 2023, c. 412, Pt. D, §3 (REV).

§286-A. Bureau of Human Resources' State Employee Health Dedicated Revenue Account

The Bureau of Human Resources' State Employee Health Dedicated Revenue Account is established to include allocations made to the bureau, funds transferred to the bureau from within the department, funds from the administration allowance provided in section 286, funds from the reserve fund provided in section 1731, funds received for special services provided to state agencies and employees and funds from operational charges levied upon state agencies. The cost of administration of the State Employee Assistance Program, the State Employee Health Program and the state employee workers' compensation unit must be funded from this account. [PL 1991, c. 780, Pt. Y, §28 (AMD).]

State agency operational charges are a per employee fee paid by each agency in the same manner as premiums for state employee health insurance. With the exception of the Legislature, the per employee fee must be paid by all state agencies that have employees who are eligible to participate in the state employee health insurance program. The State Budget Officer shall work with state agencies to budget the funds necessary for the purposes of this paragraph. The State Human Resources Officer shall recommend a fee to the Commissioner of Administrative and Financial Services. The officer may establish a proportional fee for agencies outside of the Executive Department to reflect those programs utilized by such agencies. The rationale for the recommended fee must be well documented and include the program costs to be met by the fee. The commissioner shall provide a final recommended fee to the Governor. The Governor shall determine the per employee fee to be included in the normal budget process. [RR 2023, c. 1, Pt. B, §2 (COR); RR 2023, c. 1, Pt. B, §50 (AFF).]

SECTION HISTORY

PL 1991, c. 528, §III4 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §III4 (NEW). PL 1991, c. 780, §Y28 (AMD). RR 2023, c. 1, Pt. B, §2 (COR). RR 2023, c. 1, Pt. B, §50 (AFF).