

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2049

S.P. 721

In Senate, January 16, 2020

**An Act To Amend the Laws Concerning the Retired County and
Municipal Law Enforcement Officers and Municipal Firefighters
Health Insurance Program**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.

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

2 **Sec. 1. 5 MRSA §286-M, sub-§3**, as amended by PL 2019, c. 446, §1, is further
3 amended to read:

4 **3. Eligibility for program coverage.** A person must make contributions pursuant to
5 subsection 5, paragraph D and subsection 8 ~~for 60 months~~ in order to be eligible for
6 coverage under the program. In addition, a person must satisfy the eligibility criteria
7 specified in this subsection as follows:

8 A. The person must:

9 (1) Be at least 50 years of age;

10 (2) Be a retired county or municipal law enforcement officer or a retired
11 municipal firefighter;

12 (3) Have, while actively employed as a county or municipal law enforcement
13 officer or municipal firefighter, participated in the person's employer's health
14 insurance plan or other fully-insured health insurance plan; and

15 (4) Receive or be eligible to receive:

16 (a) If retired from at least 25 years of service in a position as a county or
17 municipal law enforcement officer or a municipal firefighter, a retirement
18 benefit from the Maine Public Employees Retirement System or a defined
19 contribution retirement plan other than the United States Social Security Act;
20 or

21 (b) If retired from less than 25 years of service in a position as a county or
22 municipal law enforcement officer or a municipal firefighter, a retirement
23 benefit from the Maine Public Employees Retirement System or a defined
24 contribution retirement plan other than the United States Social Security Act,
25 as long as the benefit provided is at least 50% of average final compensation,
26 with no reduction for early retirement and with or without a cost-of-living
27 adjustment; or

28 B. The person must be a dependent of a person meeting the criteria of paragraph A.

29 **Sec. 2. 5 MRSA §286-M, sub-§5, ¶D**, as enacted by PL 2019, c. 446, §2, is
30 amended to read:

31 D. When the effective date of hire of the eligible person is on or after October 1,
32 2019, the eligible person must enroll in the program no later than 5 years following
33 the effective date of hire, ~~subject to the enrollment and eligibility requirements of the~~
34 ~~applicable group health plan~~. If the eligible person enrolls in the program no later
35 than 60 days following the effective date of hire, the eligible person contributes to the
36 fund at the rate specified in subsection 8, paragraph A. If the eligible person enrolls
37 in the program more than 60 days following the effective date of hire, the eligible
38 person shall contribute to the fund 2% of the eligible person's gross wages since the
39 eligible person's effective date of hire to that person's date of enrollment in the

1 program and shall contribute to the fund at the rate specified in subsection 8,
2 paragraph A after the eligible person's date of enrollment.

3 **Sec. 3. 5 MRSA §286-M, sub-§6, ¶D**, as enacted by PL 2019, c. 446, §2, is
4 amended to read:

5 D. An enrollee may participate in the group health insurance plan in which the
6 enrollee's spouse participates if that plan is offered in this State or in another group
7 health insurance plan that is offered in this State. An enrollee is responsible for the
8 premium payment associated with the cost of the group health insurance plan in
9 which the enrollee is participating, ~~to the extent such premium obligations exist~~
10 ~~following the application of any premium subsidy authorized by law.~~ An enrollee
11 who fails to remit the premium payments as established and required by the group
12 health insurance plan in which the enrollee is participating must be disenrolled from
13 the program. The State shall provide a premium subsidy for each enrollee in the form
14 of a direct payment to the ~~group health insurance plan in which the enrollee is~~
15 ~~participating enrollee.~~ Prior to July 1, 2021, the level of the premium subsidy must
16 equal 45% of the individual premium cost for the enrollee or a dollar amount
17 equivalent to the highest premium subsidy provided in accordance with paragraph A,
18 whichever is less. Beginning July 1, 2021, the level of the premium subsidy must
19 equal 55% of the individual premium cost for the enrollee or a dollar amount
20 equivalent to the highest premium subsidy provided in accordance with paragraph A,
21 whichever is less. Enrollees are responsible for the balance of the applicable
22 individual premium, as well as the total cost of the premium for any applicable
23 dependent coverage, and shall make payments directly to the group health insurance
24 plan in which the enrollee is participating.

25 **Sec. 4. PL 2019, c. 446, §7** is amended to read:

26 **Sec. 7. Open enrollment.** Notwithstanding the Maine Revised Statutes, Title 5,
27 section 286-M, subsection 5, a county or municipal law enforcement officer or a
28 municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A
29 and H, respectively, who is employed as a county or municipal law enforcement officer
30 or a municipal firefighter at any time beginning October 1, 2019 and ending December
31 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and
32 Municipal Firefighters Health Insurance Program established in Title 5, section 286-M,
33 subsection 1 at any time during that period while employed as a county or municipal law
34 enforcement officer or a municipal firefighter. ~~Such~~ Notwithstanding Title 5, section
35 286-M, subsection 5, paragraph D, such a person who enrolls in the program and is not
36 otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5
37 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance
38 Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that
39 person's gross wages in each year of creditable service since that person's effective date
40 of hire as a county or municipal law enforcement officer or a municipal firefighter to that
41 person's date of enrollment in the program equal to ~~1.5%~~ 3% for the first 5 years and ~~3%~~
42 1.5% for additional years.

43 **Sec. 5. Retroactive application; enrollment contributions.** That section of
44 this Act that amends Public Law 2019, chapter 446, section 7 applies retroactively to

1 September 19, 2019. The Department of Administrative and Financial Services, office of
2 employee health and benefits shall ensure that enrollment contributions pursuant to
3 Public Law 2019, chapter 446, section 7, as amended, to the Retired County and
4 Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance
5 Program under the Maine Revised Statutes, Title 5, section 286-M made by enrollees
6 between September 19, 2019 and the effective date of this Act are consistent with this
7 Act.

8

SUMMARY

9 This bill amends language contained in Public Law 2019, chapter 446 governing
10 contributions under the open enrollment provisions of the Retired County and Municipal
11 Law Enforcement Officers and Municipal Firefighters Health Insurance Program.
12 Currently, the law requires a person hired on or after October 1, 2019 to enroll no later
13 than 5 years after hire, conditioned on the enrollment and eligibility requirements of the
14 applicable health plan; this bill removes that condition.

15 This bill also changes the percentage of gross wages for contributions from 1.5% to
16 3% for the first 5 years and from 3% to 1.5% for additional years. This bill removes the
17 requirement of 60 months of contributions by enrollees. The bill also changes the State's
18 payment of certain premium subsidies from payment to the plan to payment directly to
19 enrollees. The amendments to the open enrollment provisions are retroactive to
20 September 19, 2019, and the Department of Administrative and Financial Services, office
21 of employee health and benefits is required to ensure correct contribution amounts for
22 those who enrolled between September 19, 2019 and the effective date of this legislation.