

MAINE STATE LEGISLATURE

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420 ✓
September 11, 1967

Harold E. Trahey, Acting Commissioner

Insurance

Jerome S. Matus, Assistant

Attorney General

Sale of Dependent Group Life Insurance to Employees of Participating Local Districts under the Maine State Retirement System.

FACTS:

By memo you provided this office with the following facts:

Under subchapter VI (Group Life Insurance) of the State Retirement System provisions, employees of municipal and quasi-municipal corporations ("local districts") ". . . may participate in this group life insurance program to the full extent of any and all benefits provided for in this chapter. . . " 5 M.R.S.A. § 1153.

On June 13, 1967, an amendment to subchapter VI was signed by the Governor which extended Retirement System group life insurance to include dependent coverage (§ 1151 (2) B; S.P. 257 - L.D. 637) Eligibility for this dependent coverage was cast in the following terms: "Each eligible state employee or teacher to whom this section applies. . . "

QUESTION:

Can a life insurance company sell policies of dependent group life insurance to employees of "participating local districts" under the Maine State Retirement System (5 M.R.S.A. c. 101)?

ANSWER:

Yes.

OPINION:

Although the words "Each eligible state employee or teacher to whom this section applies shall be eligible to elect to insure the life of a dependent, . . . " is found in 5 M.R.S.A. § 1151 subsection 2,B (Public Laws of 1967, c. 384, § 2) and there is no reference in the section to employees of participating local districts, we are of the opinion that the provisions of 5 M.R.S.A. § 1151, subsection 2,B applies to employees of participating local districts.

The 103rd Maine Legislature in enacting Public Laws 1967, c. 384, § 2 was fully aware of the provisions of 5 M.R.S.A. § 1153 which provides in part:

"The employees of any county, city, town water district, public library corporation or any other quasi-municipal corporation of the State, the civilian employees of the Maine National Guard or of Maine Municipal Association may participate in this group life insurance program to the full extent of any and all benefits provided for in this chapter, . . . "
(Emphasis supplied.)

The reference to "this group life insurance program" found in 5 M.R.S.A. § 1153 is a reference to its Retirement System group life insurance program provided for in 5 M.R.S.A. c. 101. The extension of group life insurance coverage to dependents is clearly a benefit provided in 5 M.R.S.A. c. 101. Thus in our opinion, the extension of group life insurance coverage is applicable to employees of participating districts.

Jerome S. Matus
Assistant Attorney General

JSM/eh