

MAINE STATE LEGISLATURE

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(Governor's Bill)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1741

H. P. 1507 House of Representatives, April 29, 1977
Referred to Committee on State Government. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Byers of Newcastle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Maine State Employees Accident
and Sickness or Health Insurance Program.

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

Sec. 1. 5 MRSA § 285, sub-§ 1, as amended by PL 1973, c. 625, § 19, is repealed and the following enacted in its place:

1. Eligibility. Employees eligible to participate in this program of group accident and sickness or health insurance include: Each appointed or elective officer or employee of the State of Maine who is eligible for membership in the Maine State Retirement System or the State Police Retirement System or a member of the judiciary or an employee of the Maine State Credit Union or of the Maine State Employees Association or of Council 74 of the American Federation of State, County and Municipal Employees or the Maine Turnpike Authority, including those employees in any of the categories who retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan. This program shall not be extended to include members of the Maine State Municipal Association or the Maine Teachers Association or employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations.

Employees who are enrolled in this program of group accident and sickness or health insurance on or after January 1, 1978, must participate in the program for a minimum of 10 years immediately prior to retirement in order to be eligible to carry this coverage into retirement.

For purposes of this section, employees of the State of Maine include persons holding:

A. Permanent positions either full or part time with permanent or probationary status;

B. Seasonal positions either full or part time with permanent or probationary status. Employees in this category shall be entitled to participate in this program during their off season during which time they, rather than the State, shall pay the premium for their coverage. This off-season coverage will only be available until the beginning of the next regular scheduled period of seasonal employment for the particular employee involved, but in no event shall it extend for a period in excess of one year;

C. Limited period positions either full or part time with permanent or probationary status; and

D. Provisional appointments to the positions listed in paragraphs A, B, or C. The term "part time" as used in this section shall include only those employees scheduled to work an average of at least 20 hours per week. .

For purposes of this section, eligibility does not extend to persons holding:

E. Permanent intermittent positions;

F. Seasonal intermittent positions;

G. Limited period intermittent positions;

H. Project positions, whether full time, part time or intermittent;

I. Emergency appointments;

J. Temporary appointments;

K. Intern appointments; and

L. Positions reimbursed on a fee-for-service basis.

Notwithstanding any other provisions of this section, all employees enrolled in the group accident and sickness or health insurance program, as heretofore established by Public Laws of 1967, chapter 543, on the effective date of this section shall be deemed eligible to participate in this program of group accident and sickness or health insurance unless, by virtue of a subsequent change in employment status, he falls within the category of employees ineligible to participate in this program as outlined in paragraphs E to L. Employees allowed to participate in the program pursuant to this paragraph who voluntarily allow their coverage to lapse may not be reinstated in the program during a subsequent open enrollment unless they are otherwise eligible.

Sec. 2. 5 MRSA § 285, sub-§ 2, as last amended by PL 1975, c. 771, § 52, is further amended by adding at the end the following new paragraph:

The board shall have the authority to make determinations concerning an eligible employee's right to coverage under this section. The board is authorized to allow coverage for those eligible employees enumerated in subsection 1, who may be without coverage due to circumstances beyond their control. Eligible employees who have voluntarily allowed their coverage to lapse under this program may not be reinstated in this program until an open

enrollment period. Eligible retired persons who voluntarily allow their coverage under this program to lapse will not be allowed reinstatement in this program.

Sec. 3. 5 MRSA § 285, sub-§ 3, as amended by PL 1969, c. 588, § 1, is repealed and the following enacted in its place:

3. Enrollment. Any employee eligible under this section may join within the first 60 days of eligible employment or during an open enrollment period declared at the discretion of the board of trustees. Title 24-A, section 2804, subsection 2, notwithstanding, any eligible employee may waive, in writing, coverage under this section.

Sec. 4. 5 MRSA § 285, sub-§ 3-A is enacted to read:

3-A. Rules. The board of trustees shall promulgate written rules pursuant to sections 2351 to 2354.

The rules shall include:

A. Procedures relating to the conduct of the meetings of the board, including, but not limited to, procedures for electing an acting chairman in the absence of the chairman and for calling business meetings by its membership;

B. Procedures for filing grievances with the board;

C. The manner of utilizing policy dividends or rate reductions, in accordance with Title 24-A, section 2812;

D. Rules governing the declaration of open enrollment; and

E. Other rules necessary to give effect and intent to the purposes of this section.

Sec. 5. 5 MRSA § 286, as enacted by PL 1967, c. 543, is repealed and the following enacted in its place:

§ 286. Appeals

Any eligible employee aggrieved by a final decision of the board of trustees determining coverage under this group accident and sickness or health insurance program shall have a right to appeal to the Superior Court in the County of Kennebec, pursuant to the Maine Rules of Civil Procedure, Rule 80B.

STATEMENT OF FACT

This bill clarifies eligibility for participation in the State of Maine's employees group accident or sickness and health insurance program.