

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1175  
6

7 H.P. 831

House of Representatives, March 29, 1985

8 On motion of Representative Brannigan of Portland, referred to the  
9 Committee on Business and Commerce. Sent up for concurrence and ordered  
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.  
11

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Protect Health Benefits for  
18 Divorced Spouses.  
19

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

22 Sec. 1. 24-A MRSA §2748 is enacted to read:

23 §2748. Health insurance coverage; divorce or separa-  
24 tion

25 1. In the event of the granting of a judgment of  
26 divorce or separation to which a subscriber who has  
27 health insurance coverage under a plan or contract  
28 issued pursuant to this chapter is a party, the per-  
29 son who was the spouse of the subscriber prior to the  
30 issuance of the judgment shall be and remain eligible  
31 under that plan or contract, whether or not the judg-  
32 ment was entered prior to the effective date of the  
33 plan or contract, without additional premium or exam-  
34 ination, as if the judgment had not been entered,  
35 provided that eligibility for benefits under this

1 section is not required if the judgment for divorce  
2 or separation so provides. Any eligibility for bene-  
3 fits under this section shall continue through the  
4 subscriber's participation in the plan or contract  
5 until the remarriage of either the subscriber or the  
6 former spouse or until such time as provided by the  
7 judgment for divorce or separation, whichever is ear-  
8 lier.

9       2. In the event of the remarriage of the sub-  
10 scriber referred to in subsection 1, the former  
11 spouse shall have the right, if so provided in the  
12 judgment, to continue to receive benefits as are  
13 available to the subscriber, by means of the addition  
14 of a rider to the family plan or contract or the is-  
15 suance of an individual plan or contract, either of  
16 which may be at additional premium rates.

17       Sec. 2. 24-A MRSA §2844 is enacted to read:

18       §2844. Health insurance coverage; divorce or separa-  
19 tion

20       1. In the event of the granting of a judgment of  
21 divorce or separation to which an employee or member  
22 who has health insurance coverage under a plan or  
23 contract issued pursuant to this chapter is a party,  
24 the person who was the spouse of the employee or mem-  
25 ber prior to the issuance of the judgment shall be  
26 and remain eligible under that plan or contract,  
27 whether or not the judgment was entered prior to the  
28 effective date of the plan or contract, without addi-  
29 tional premium or examination, as if the judgment had  
30 not been entered, provided that eligibility for bene-  
31 fits under this section is not required if the judg-  
32 ment for divorce or separation so provides. Any eli-  
33 gibility for benefits under this section shall con-  
34 tinue through the employee's or member's participa-  
35 tion in the plan or contract until the remarriage of  
36 either the employee or member of the former spouse or  
37 until such time as provided by the judgment for di-  
38 vorce or separation, whichever is earlier.

39       2. In the event of the remarriage of the employ-  
40 ee or member referred to in subsection 1, the former  
41 spouse shall have the right, if so provided in the  
42 judgment, to continue to receive benefits as are

1 available to the employee or member, by means of the  
2 addition of a rider to the plan or contract or the  
3 issuance of an individual plan or contract, either of  
4 which may be at additional premium rates.

5

STATEMENT OF FACT

6 The purpose of this bill is to provide for the  
7 continuation of health insurance coverage under fami-  
8 ly or group health insurance policies for former  
9 spouses.

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