

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2291

H.P. 1655

House of Representatives, February 7, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

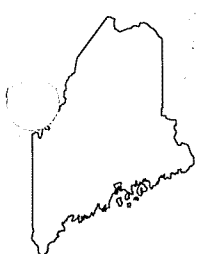
Presented by Representative RYDELL of Brunswick.

Cosponsored by Senator THERIAULT of Aroostook, Senator HOBBS of York and Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Protect Health Insurance Coverage for Citizens on Jury
Duty.



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

4 **Sec. 1. 14 MRSA §1218**, as amended by PL 1979, c. 663, §80, is
repealed and the following enacted in its place:

6 **§1218. Protection of jurors' employment and health insurance**

8 An employer may not deprive an employee of employment or
10 health insurance coverage, or threaten or otherwise coerce the
12 employee with respect to loss of employment or health insurance
14 coverage, because the employee receives a summons, responds to
16 the summons, serves as a juror or attends court for prospective
18 jury service.

20 Any employer who violates this section is guilty of a Class
22 E crime.

24 If an employer discharges an employee or terminates the
26 health insurance coverage of an employee in violation of this
28 section, the employee may bring a civil action within 90 days for
30 recovery of wages or health insurance benefits lost as a result
32 of the violation and for an order requiring the reinstatement of
34 the employee. Damages recoverable for wages may not exceed lost
36 wages for 6 weeks. If the employee prevails, the employee must
38 be allowed a reasonable attorney's fee fixed by the court.

40 **Sec. 2. 24 MRSA §2332-D** is enacted to read:

42 **§2332-D. Jury service**

44 1. Prohibition. A nonprofit hospital or medical service
46 organization that issues group health care contracts providing
48 coverage for medical care to residents of this State may not
50 terminate coverage for any person covered under those contracts
52 because the person has been summoned for or is engaged in jury
service under Title 14, chapter 305, subchapter I-A.

2. Application. This section applies to all policies and
any certificate executed, delivered, issued for delivery,
continued or renewed in this State on or after January 1, 1991.
For purposes of this section, all contracts are deemed to be
renewed no later than the next yearly anniversary of the contract
date.

Sec. 3. 24-A MRSA §2848 is enacted to read:

§2848. Jury service

1. Prohibition. An insurer that issues group or blanket
health care contracts providing coverage for medical care to
residents of this State may not terminate coverage for any person
covered under those contracts because the person has been

2 summoned for or is engaged in jury service under Title 14,
3 chapter 305, subchapter I-A.

4 2. Application. This section applies to all policies and
5 any certificate executed, delivered, issued for delivery,
6 continued or renewed in this State on or after January 1, 1991.
7 For purposes of this section, all contracts are deemed to be
8 renewed no later than the next yearly anniversary of the contract
9 date.

10 **Sec. 4. Effective date.** Section 1 of this Act takes effect on
11 January 1, 1991.

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16 **STATEMENT OF FACT**

17 This bill provides that an employer may not terminate the
18 health insurance coverage of an employee because the employee is
19 called to serve on a jury. Current law prohibits an employer
20 from discharging an employee because of jury service, makes such
21 a discharge a crime and permits the employee to sue for lost
22 wages. This bill prohibits the termination of employee health
23 insurance coverage due to jury service, makes such a termination
24 a crime and permits the employee to sue for lost health insurance
25 benefits.
26

27 This bill also provides that an insurer may not issue a
28 group or blanket health care contract of any kind for residents
29 of this State that contains any provision permitting the
30 termination of coverage if a person covered is called to serve on
31 a jury.
32

33 The prohibitions on termination of employee health insurance
34 coverage due to jury service take effect on and apply to
35 contracts issued, executed or renewed after January 1, 1991.
36