

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

local organizations in any area that may reasonably be affected by the removal of an ice jam. Under no circumstances may any ice jams be removed without fulfilling this requirement.

4. Methods. Municipalities may employ any method, including mechanical removal, dusting, icebreaking vessels or explosives to remove ice jams.

§1105. Project Review

If practical, a representative from the Bureau of Civil Emergency Preparedness shall be present during ice jam and debris removal operations. Information that may be useful in future ice jam and debris removal operations shall be recorded. A follow-up report on the specific measures employed and the effectiveness of the removal operation in abating public danger and damage by flood for each removal operation shall be formulated and maintained by the bureau.

Sec. 4. Transition. The following provisions shall apply to the transition from the Revised Statutes, Title 37-A to Title 37-B.

1. Personnel. When this Act goes into effect, it shall have no effect on the terms of employees or officers employed or appointed under the provisions of Title 37-A.

2. Contracts, leases, agreements, authorizations, notes or bonds. All contracts, leases, agreements, authorizations, notes or bonds issued under the Revised Statute, Title 37-A, prior to the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. Maine Veterans' Home Bonding Authority. The unallocated provisions of Title 37-A, chapter 28, enacted by Public Law 1977, chapter 562, section 2, as amended by Public Law 1977, c. 584, section 1, entitled "Authorization of bond issue for construction of Maine Veterans' Home" shall continue in effect.

Effective September 23, 1983.

CHAPTER 461

S.P. 556 - L.D. 1622

AN ACT Concerning Group Life Insurance
for State Employees and Teachers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the statutes governing the group life insurance plan for state employees and teachers which were enacted in 1955 are in great need of revision to bring the plan up to date and to bring the statutes into conformity with the state insurance statutes, Title 24-A; and

Whereas, the anniversary date of the present policy covering the state group life insurance plan is July 1, 1983, and being able to implement a revised plan on that date would greatly facilitate administration of the plan by the Maine State Retirement System; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §1151, as amended by PL 1979, c. 437, §§1-8, is repealed.

Sec. 2. 5 MRSA §1151-A is enacted to read:

§1151-A. Group life insurance

1. Authorization and administration. The board of trustees of the Maine State Retirement System is the sole group authorized to purchase for the State from one or more life insurance companies a policy or policies of life insurance, as defined by Title 24-A, section 702.

A. Proposals may be solicited for the purchase of the insurance from one or more insurance companies on a competitive basis, or an existing policy or policies may be renegotiated.

B. Any policy or policies purchased shall be from a company or companies licensed under the laws of this State.

C. All provisions of a policy or policies shall be subject to the limitations of Title 24-A, sections 2601 to 2628.

D. The board of trustees may promulgate and pub-

lish, in accordance with the procedures of chapter 375, subchapter II, as they are applicable, the regulations as may be necessary and proper to give effect to the intent, purposes and provisions of this subchapter.

E. All expenses of the Maine State Retirement System incurred in the administration and operation of a life insurance policy or policies shall be reimbursed from premium rate adjustments, dividends or interest earnings on reserves.

F. A report of the activities of this program shall be published annually.

G. No provisions of the policy or policies may reduce the benefits granted under this subchapter.

2. Eligibility. This insurance shall be made available to elective and appointive officers and employees of the State and teachers eligible for membership in the Maine State Retirement System, Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court, Judges of the Administrative Court and employees of any local district, as provided in paragraph B.

A. The board of trustees by rule may provide for the exclusion of employees on the basis of nature and type of employment or conditions, such as, but not limited to, temporary or project employment. No employee or group of employees may be excluded solely on the basis of the hazardous nature of employment.

B. A local district may participate in this life insurance program, provided that the executive body or the voters of a town with a town meeting form of government approve the participation and those portions of the program which apply, and file with the board of trustees a copy of the resolution of the executive body or a record of the vote of the town voters certified by the clerk. The beginning date of participation of a local district shall be not more than 6 months following receipt of the certified copy of the vote.

3. Type and amount of insurance. The following coverages shall be available, subject to subsection 2, paragraph B.

A. Life insurance and accidental death and dismemberment insurance, to be known as basic insurance, shall be available to all eligible partici-

pants. The amount of life insurance to be paid in the event of death shall approximate the participant's annual compensation rounded up to the next \$1,000. A participant insured under this policy shall be automatically covered for any change in the maximum due to a change in annual compensation. The change in coverage shall coincide with the effective date of the change in annual compensation rate.

B. The accidental death and dismemberment insurance shall provide payments as follows:

<u>Loss</u>	<u>Amount Payable</u>
<u>Loss of life by accident</u>	<u>An additional amount equal to that provided under paragraph A</u>
<u>Loss of one hand or one foot or sight of one eye</u>	<u>One-half the amount provided under paragraph A</u>
<u>Loss of 2 or more limbs or loss of sight of both eyes or loss of one limb and loss of sight of one eye</u>	<u>The amount provided under paragraph A</u>

For any one accident the aggregate amount of group accidental death and dismemberment insurance that may be paid shall not exceed the amount provided under paragraph A.

C. Additional insurance coverage of equal amounts, to be known as Supplemental Insurance, shall be available to each participant purchasing insurance under paragraph A.

D. Each participant shall be eligible to elect to insure the life of a dependent not insured in this group under one, but not both, of the following plans:

	<u>Plan A</u>	<u>Plan B</u>
<u>Spouse</u>	<u>\$ 5,000</u>	<u>\$10,000</u>
<u>Full-time unmarried students to age 22</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
<u>Children, 6 months to age 19</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
<u>Children, 0 to 6 months</u>	<u>\$ 1,000</u>	<u>\$ 2,500</u>

This insurance may be purchased, subject to the limitations of Title 24-A, section 2611-A. The number of dependents shall not affect the premium rate.

4. Payments on death. Any amount of group life insurance and group accidental death insurance in force on any employee at the date of his death shall be paid, upon the establishment of a valid claim, in the following order of precedence:

First, to the beneficiary or beneficiaries as the employee may have designated in writing and received in the employing office prior to death;

Second, if there is no such beneficiary, to the widow or widower of that employee;

Third, if none of the above, to the child or children of that employee and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of that employee or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or conservator or the estate of that employee; and

Sixth, if none of the above, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of his death.

5. Employee automatically insured; procedure if desire not to be insured. All employees eligible for insurance under the terms of this section will be automatically insured for the amounts applicable under this section, commencing on the date they first become so eligible. Any employee desiring not to be insured shall, on the appropriate form, give written notice to his employing officer that he desires not to be insured. If that notice is received before the employee has become insured under the policy, he shall not be so insured; if it is received after he has become insured, his insurance under the policy will cease, effective with the end of the pay period during which the notice is received by the employing office. Any person who desires not to be insured may subsequently apply for insurance, but will be required to produce evidence of insurability at his own expense and in accordance with the requirements of the board of trustees.

6. Payment of premiums. Payment of premiums for life insurance shall be on the basis determined by the board of trustees to be actuarially sufficient to pay anticipated claims.

7. Dividend distribution. Each year upon receipt of the annual report submitted by the underwriter, the board of trustees shall review all phases of the life insurance program and shall, within 90 days of receipt of the annual report, determine the reserves necessary to pay anticipated claims and the method of distribution of any accumulations above those reserves.

8. Separation from service; termination of service coverage. The insurance on any employee shall cease upon his separation from service, subject to provisions which shall be contained in the policy for waiver of premiums in the event of total and permanent disability, and temporary extension of coverage and conversion to an individual policy of life insurance. If, upon such date as the insurance would otherwise cease, the employee retires, in accordance with this chapter, his basic life insurance only shall be continued without cost to him and in the amounts provided in paragraphs A and B.

A. On retirement for reasons other than disability, the average amount of basic insurance in force for the last 3 years prior to retirement shall be continued in force at no cost to the participant, provided that he has participated in the group life insurance program for a minimum of 10 years immediately prior to retirement. The average amount shall be reduced at the rate of 15% per year to a minimum of 40% of the average amount or \$2,500, whichever is greater. In determining benefits under this section, the reductions shall become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached.

The reduction on retirement at the rate of 15% a year of the average amount of insurance for the last 3 years prior to retirement shall not apply to any Justice of the Supreme Judicial Court or Superior Court, or to any Judge of the District Court or Administrative Court nor to any retired justice or judge who was insured and who is living on September 14, 1979. The average amount of insurance referred to in this paragraph for any justice or judge shall be continued in force at no cost to the justice or judge until 70 years of age. At the age of 70 years, the amount of insurance in force will become 25% of the average amount of insurance.

B. On retirement for disability, the amount of basic insurance in force at the time of retirement shall be continued in force until normal

retirement age, after which, the amount shall be reduced, as provided in paragraph A, at no cost to the participant.

9. Master policy and certificates. The insurance company shall issue a master policy to the Maine State Retirement System and a certificate of coverage to each participant setting forth the benefits to which the participant is entitled.

Sec. 3. 5 MRSA §1152, as amended by PL 1977, c. 694, §27, is repealed.

Sec. 4. 5 MRSA §1153, as amended by PL 1975, c. 622, §63, is further amended to read:

§1153. Participating local districts

The employees of any local district may participate in this group life insurance program to the full extent of any and all benefits provided for in this chapter, provided the executive body or, for a town, the voters of a town at a duly constituted town meeting, approve such participation and file with the board of trustees a duly certified copy of the resolution of the executive body or a record of the vote of the town voters certified by the clerk of the town meeting approving such participation and the extent of the benefits which shall apply subchapter, subject to section 1151-A, subsection 2, paragraph B. Such local district approving the participation of its employees in this group life insurance program shall thereafter be known for the purposes of this chapter as a "participating local district." Such local district shall designate in their approval any class of employees who may be exempted from this chapter. Initially, seventy-five percent 75% of the eligible employees of each participating district shall be the minimum number permissible as a coverage covered group. The date when the participation of the employees of a participating local district may begin shall be set by the board of trustees not more than 6 months following the date the local district approved the participation of its employees.

Employees of a participating local district who are covered under the basic group life insurance plan shall also be eligible for the additional group life supplemental and dependent insurance and paid-up life insurance coverage as provided for in section 1151 if the local district involved elects to adopt such benefits plan.

The chief fiscal officer of a participating local district shall submit to the board of trustees such information, and shall cause to be performed such

duties, in respect to the employees of such local ~~the~~ district, as shall be prescribed by the board of trustees in order to carry out this ~~chapter~~ subchapter, and shall pay such pro rata cost of premiums and expenses as may be levied by the board of trustees.

Sec. 5. P&SL 1983, c. 1 is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 17, 1983.

CHAPTER 462

S.P. 567 - L.D. 1642

AN ACT Relating to the Branding of Potatoes.

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

7 MRSA §952, as amended by PL 1981, c. 513, §4, is further amended to read:

§952. Branding

It shall be unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in possession potatoes prepared for market unless in containers which have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for packing and the name of the grade, net weight and the word "potatoes." All potatoes packed in this State must be packed in containers which conspicuously bear the name of the country where the potatoes were grown. The person or persons responsible for grading shall be as follows: If the violation is discovered in the packing house then the person or persons packing the potatoes shall be responsible; if the violation is discovered at any other place, then the person or persons whose name appears on the container shall be responsible. Each lot of potatoes sold at wholesale shall be accompanied by a bill of lading or invoice