

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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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:

12 MRSA §6501, sub-§5, ¶C, as amended by PL 1985, c. 379, §2, is further amended to read:

C. ~~\$900~~ \$200 for nonresident operator and all crew members.

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

Effective April 11, 1986.

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## CHAPTER 660

H.P. 1564 - L.D. 2209

### AN ACT to Require Employers to Notify Employees of the Termination of Group Insurance.

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

26 MRSA §629-B is enacted to read:

#### §629-B. Employee health benefit plans

1. Application. This section applies to health benefit plans which an employer provides or agrees to provide to his employees. It does not apply to employee health benefit plans separately provided by any employee organization or bargaining agent, regardless of any financial contribution to that plan by the employer.

2. Failure to implement a health benefit plan. If an employer fails to implement a health benefit plan which the employer had agreed to provide to his employees, the employer shall notify the employees of the failure to implement the plan as soon as possible after he knows that he will not implement the plan. The employer is liable for benefits which would have

been payable to a covered employee, if the health benefit plan had been in force during the period of time from the date which the employer had agreed to implement the health benefit plan, until the employer gives the employee notice of his failure or inability to provide the health benefit plan.

3. Termination or change in carriers of a health benefit plan. If an employer terminates a health benefit plan for employees, if a health benefit plan for employees is terminated for failure to pay premium or for any other reason or if the insurance carrier administering the health benefit plan is changed, the employer shall notify the covered employees of the termination of their coverage or the change of carriers at least 10 days before the termination or the change of carriers takes effect. The employer is liable for benefits which would have been payable to a covered employee had the health benefit plan remained in force and not been terminated or the carrier changed during the period of time following the termination of or change in carrier of the health benefit plan until the employee is given notice of the termination or the change of carrier.

4. Notice. Whenever notice to an employee is required under this section, the notice must:

A. Be in writing; and

B. Be delivered:

(1) In person to the employee;

(2) To the employee by the same means as and along with wages due the employee; or

(3) By mailing the notice to the employee's last known address.

5. Wage withholdings. When an employer makes withholdings from employees' wages for contributions to health benefit plans, the employer shall be the trustee of the funds until they are paid to the health carrier. The employer is liable to an employee for any wages withheld for the purpose of financing an employee health benefit plan and which are not actually used for that purpose.

6. Action; parties. An action for benefits under this section may be brought by:

A. The affected employee or employees; or

B. The Department of Labor on behalf of the employee or employees.

7. Lien. Whoever loses wages or medical benefits due to an employer's violation of this section shall have a lien against the employer's property or assets for the full amount of the wages wrongfully withheld and the medical benefits for which the employer is liable under this section. The lien shall be created and enforced as provided in Title 10, chapter 603 for mechanics' liens.

8. Exceptions. The following exceptions apply.

A. An employer is not liable under this section for benefits which would have been payable under an employee health benefit plan if the failure to provide the notice required by subsection 2 or 3 is due to circumstances beyond the control of the employer.

B. This section does not apply to any termination of or failure to implement an employee health benefit plan which results from or occurs during a strike or lockout. Section 634 applies to the termination of any employee health benefit plan during a strike.

Effective July 16, 1986.

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## CHAPTER 661

H.P. 1428 - L.D. 2018

AN ACT to Revise the Certificate of Need  
Process.

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

Sec. 1. 22 MRSA §304-C, as enacted by PL 1985, c. 338, §2, is repealed.

Sec. 2. 22 MRSA §304-D is enacted to read:

§304-D. Waiver of certificate of need review for certain minor projects and for projects for which hospitals do not seek positive adjustment to financial requirements established by the Maine Health Care Finance Commission