

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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PUBLIC LAWS

OF THE

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1987

CHAPTER 218

H.P. 1097 — L.D. 1488

AN ACT to Update References to Immunities of State Military Forces under the State Tort Claims Act.

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 1977, c. 696, §165, is further amended to read:

1. Employee. "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials, volunteer firefighters as defined in Title 30, section 3771, rescue squad members where the rescue squad receives full or partial financial support from political subdivisions, Maine National Guardsmen while in active state service under Title 37-A, sections 57 and 207 receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 to 183 and 742, and while engaged in the Domestic Action Program, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

Sec. 2. 14 MRSA §8103, sub-§2, ¶E, as enacted by PL 1977, c. 578, §1, is repealed and the following enacted in its place:

E. The activities of the state military forces when receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 and 182, intervention in insurrections, and Title 37-B, section 183, human health care emergency assistance.

Effective September 29, 1987.

CHAPTER 219

H.P. 1119 — L.D. 1522

AN ACT Relating to Assignment of Group Health Insurance Benefits.

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

24-A MRSA §2831, as enacted by PL 1969, c. 132, §1, is amended to read:

§2831. Hospital, medical benefits — direct payment

Any such group or blanket policy may include benefits payable on account of hospital or medical or surgical aid

for an employee or other member of the group insured by such policy, his or her spouse, child or children or other dependents, and may provide that, at the insured's option, any such benefits be paid by the insurer directly to the hospital, physician, surgeon doctor, nurse or other person furnishing services covered by such provisions of the policy.

Effective September 29, 1987.

CHAPTER 220

H.P. 1120 — L.D. 1523

AN ACT to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance.

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

Sec. 1. 24-A MRSA §229, sub-§2, ¶B, as amended by PL 1973, c. 585, §12, is further amended to read:

B. Upon written application for a hearing by a person aggrieved by any act or impending act, or by any report, rule, regulation or order of the superintendent, other than an order for the holding of a hearing, or order on a hearing, or pursuant to such order, of which hearing such person had notice.

Sec. 2. 24-A MRSA §229, sub-§3, as amended by PL 1973, c. 585, §12, is further amended to read:

3. Any such application must be filed with the superintendent within ~~90~~ 30 days after such person knew or reasonably should have known of such act, impending act, failure, report, rule, regulation or order, unless a different period is provided for by other applicable law, and in which case such other law shall govern. The application shall briefly state the respects in which the applicant is so aggrieved, together with the ground to be relied upon for the relief to be demanded at the hearing. The superintendent may require that the application be signed and sworn to.

Effective September 29, 1987.

CHAPTER 221

S.P. 500 — L.D. 1517

AN ACT to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program.

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

Whereas, the United States Consolidated Omnibus Budget Reconciliation Act of 1985 extended for a limited period the rights for health insurance coverage to certain former employees; and

Whereas, Maine laws now require an adjustment so that state employee eligibility for health insurance coverage into retirement continues to be based on a direct transition from employment status to retirement status; 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 §285, sub-§1, ¶C, as enacted by PL 1983, c. 692, §1, is repealed.

Sec. 2. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1985, c. 695, §§6 and 7, and c. 609, is repealed and the following enacted in its place:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 who:

(1) On April 26, 1968, have retired and who were covered under plans of insurance which by virtue of Public Law 1967, chapter 543, were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan as an employee;

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph shall also apply to former members who were members on December 2, 1986; or

(4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph also applies to former members who were members on December 2, 1986.

Sec. 3. 5 MRSA §285, sub-§1-A, ¶B, as amended by PL 1985, c. 391, §§2 and 7, is further amended to read:

B. If not retiring on a disability retirement, have participated, as an employee, in the group accident and

sickness or health insurance plan for at least one year immediately prior to retirement; or

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

Effective June 4, 1987.

CHAPTER 222

S.P. 425 — L.D. 1305

AN ACT to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another.

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

Sec. 1. 15 MRSA §3105, as enacted by PL 1977, c. 664, §12, is repealed.

Sec. 2. 15 MRSA §3105-A is enacted to read:

§3105-A. Statute of limitations

1. Expiration of limitation; defense. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, provided that a prosecution for the juvenile crime of murder or criminal homicide in the first or 2nd degree may be commenced at any time.

2. Limitations. Prosecution for juvenile crimes other than murder or criminal homicide in the first or 2nd degree are subject to the following periods of limitations.

A. A prosecution for conduct which, if committed by an adult, is a Class A, Class B or Class C crime, shall be commenced within 6 years after it is committed.

B. A prosecution for conduct which, if committed by an adult, is a Class D or Class E crime shall be commenced within 3 years after it is committed.

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, D or E, shall be commenced within one year after it is committed.

3. Limitations not to run. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years;

B. During any time when a prosecution against the accused for the same juvenile crime based on the same