

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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3. Construction of new public housing. Notwithstanding subsection 2, all newly constructed public housing containing 20 or more units for which construction begins after October 1, 1988, shall meet the following standards.

A. No less than 10% of the ground level units may be accessible to and useable by physically handicapped persons.

B. A minimum of 10% of the upper story units connected by an elevator, as provided in section 2702, subsection 6, shall be accessible to and useable by handicapped persons.

Effective August 4, 1988.

## CHAPTER 731

S.P. 937 — L.D. 2470

### AN ACT Relating to the State Health Insurance Program and the Bureau of State Employee Health.

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

Sec. 1. 5 MRSA c. 13, sub-c. II, first 2 lines, are repealed and the following enacted in their place:

#### SUBCHAPTER II

#### STATE EMPLOYEE HEALTH INSURANCE PROGRAM

Sec. 2. 5 MRSA §285, sub-§2, as amended by PL 1985, c. 785, Pt. A, §30, is repealed and the following enacted in its place:

2. Coverage. Each state employee to whom this section applies shall be eligible for group accident and sickness or health insurance as provided in Title 24-A, sections 2802 to 2812, including major medical benefits. The provisions of these group insurance policy or policies shall be determined, insofar as the provisions are not inconsistent with terms and conditions contained in collective bargaining agreements negotiated pursuant to Title 26, chapter 9-B, by the State Employee Health Commission as provided in section 285-A. The master policy for the group insurance shall be held by the Commissioner of Administration.

Sec. 3. 5 MRSA §285, sub-§3, as amended by PL 1969, c. 588, §1, is further amended to read:

3. Enrollment. Any employee eligible under this section may join within the first 60 days of his employment or during a declared open enrollment period. The filing of necessary applications shall be the responsibility of the employer. Effective dates under this section

shall be at the discretion of the board of trustees commission.

Sec. 4. 5 MRSA §285, sub-§5, as amended by PL 1985, c. 785, Pt. A, §31, is repealed and the following enacted in its place:

5. Purchase of policies. The commission shall purchase, by competitive bidding, from one or more insurance companies or nonprofit organizations, or both, a policy or policies of group accident and sickness or health insurance, including major medical insurance, to provide the benefits specified by this section. Notwithstanding this subsection, with the consent of the policyholder and of the insurer and at the sole discretion of the commission, existing policies of insurance covering at least 1,000 of the employees defined as eligible by this section may be amended to provide the benefits specified by this section and assigned to the Commissioner of Administration for the benefit of all those eligible under this section. The company or companies or nonprofit organizations must be licensed under the laws of the State. The policy provisions shall be subject to and as provided for by the insurance laws of this State.

Sec. 5. 5 MRSA §285, sub-§7, as amended by PL 1985, c. 693, §12, is further amended to read:

7. Payment by State. Except as otherwise provided in this subsection, the State, through the board of trustees commission, shall pay 100% of only the employee's share of this insurance, except for Legislators where the State shall pay 50% of the Legislators' health insurance premium for dependent coverage. For any person appointed to a position after November 1, 1981, who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours.

Sec. 6. 5 MRSA §285-A is enacted to read:

#### §285-A. State Employee Health Commission

1. Establishment. The State Employee Health Commission is established to serve as trustees of the group accident and sickness or health insurance in this subchapter and to advise the Director of State Employee Health on health insurance issues and other issues concerning health and wellness, the employee assistance program and the use of the State Employee Health Internal Service Fund Account, section 956.

2. Membership. The State Employee Health Commission shall consist of 15 labor and management members as follows:

A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B appointed by the employee organization certified to represent the unit;

B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;

C. One labor member appointed by the retiree chapters of the Maine State Employees Association;

D. Four management members appointed by the Commissioner of Administration;

E. One management member appointed by the Court Administrators; and

F. The Director of State Employee Health, ex officio.

All appointed or elected members shall serve at the pleasure of their appointing or electing authorities.

3. Voting. All votes of the commission shall be one vote cast by labor and one vote cast by management. The votes shall be cast by the labor cochairman who shall be chosen by the labor members, and the vote shall represent the majority opinion of the labor members of the commission, and by the management cochairman who shall be the Director of State Employee Health.

Sec. 7. 5 MRSA §286, as amended by PL 1985, c. 785, Pt. B, §16, is repealed and the following enacted in its place:

#### §286. Administration

The Commissioner of Administration shall be responsible for the operation of the state employee health insurance program, administering program services through offices, systems, consultants and staff necessary to provide cost effective, accessible and responsive services to eligible employees and retirees. Administration of the program shall be consistent with rules promulgated by the commission.

Appeals by eligible employees or retirees shall be to hearing officers designated by the commission.

The cost of administration of the state employee health insurance program shall be funded from an administrative allowance to be negotiated by the commission with the health benefit carrier or carriers. Indirect costs may not be allocated to the program.

The commissioner shall establish a fund through the Treasurer of State in which premium dividends, return of premiums resulting from risk reduction programs and any other receipts shall be deposited to be used for the purposes of the state employee health insurance program as determined by the commission. Interest earned from investment of the fund shall be credited to the fund.

An annual report shall be prepared for the Governor concerning the number of participants, premiums charged, utilization of benefits and operating costs. The report shall also include recommendations regarding future operation of the program.

Sec. 8. 5 MRSA §955, last ¶, as enacted by PL 1985, c. 785, Pt. C, §1, is repealed and the following enacted in its place:

The director shall work with the Bureau of Employee Relations, the State Employee Health Commission established in section 285-A, and other labor management groups to maximize the involvement of state employees and their representatives in the planning and execution of all programs under the charge of the bureau, including, but not limited to, the health insurance issues, the employee assistance program and the planning and use of the State Employee Health Internal Service Fund Account.

Sec. 9. 5 MRSA §12004, sub-§7, ¶A, sub-¶(8) is repealed and the following enacted in its place:

(8)	<u>State Employee Health Commission</u>	<u>Expenses Only</u>	<u>5 MRSA §285-A</u>
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#### Sec. 10. Transition.

1. Contracts and agreements. All contracts and agreements currently in effect with respect to the state employee health insurance program affected by this Act shall remain in effect until rescinded, terminated or modified as provided by state law.

2. Rules and procedures. All rules and procedures currently in effect pertaining to the state employee health insurance program shall remain in effect until rescinded or amended as provided by state law.

3. Board of trustees. The current board of trustees of the state employee health insurance program shall remain in effect until the members of the State Employee Health Insurance Commission have been appointed and qualified.

4. Funds, personnel, property and equipment. All funds, personnel, equipment and property relating to the Accident and Sickness or Health Insurance Program remain with the state employee health insurance program.

Effective August 4, 1988.

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## CHAPTER 732

H.P. 1919 — L.D. 2618

### AN ACT Relating to 6-Axle Vehicles Carrying General Commodities.

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

Sec. 1. 29 MRSA §1652, sub-§1, ¶F is enacted to read:

F. Paragraphs A, B and E notwithstanding, a combination vehicle consisting of a 3-axle tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 100,000 pounds provided that: