

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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~~functions and deemed confidential by chapters chapter 958-A and or 1071 and or section 7703 deemed confidential by these chapters and relating or 1828, which relates to a state employee or a person licensed, certified or registered by a licensing board as defined in section 3291 who is alleged to have engaged in any unlawful activity or professional misconduct, or in conduct in violation of laws or rules relating to a licensing board, may be disclosed to and used by the appropriate state agencies and licensing boards only in accordance with this chapter. The department, other state agencies and licensing boards shall comply with the following.~~

See title page for effective date.

CHAPTER 176

S.P. 196 - L.D. 444

An Act to Prohibit Discrimination Against Persons with the Human Immunodeficiency Virus for Purposes of Insurance Coverage

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

Sec. 1. 24 MRSA §2332-B is enacted to read:

§2332-B. Acquired Immune Deficiency Syndrome

No individual or group hospital, medical or health care service contract delivered or issued for delivery in this State, other than a contract which provides benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome or AIDS, AIDS Related Complex (ARC) or HIV related diseases, or for related services, than for any other disease or sickness or exclude coverage for AIDS, ARC or HIV related diseases except through an exclusion under which all diseases and sicknesses are treated the same.

Sec. 2. 24-A MRSA §2159, sub-§§3 and 4 are enacted to read:

3. It shall be an unfair trade practice in the business of insurance for any insurer to discriminate unfairly against any person who has tested positive for the presence of the human immunodeficiency antigen or the presence of an antibody to the human immunodeficiency virus or who has Acquired Immune Deficiency Syndrome or AIDS, AIDS Related Complex (ARC) or HIV related diseases provided that nothing in this subsection prohibits an insurer from treating individuals of different classes and of unequal expectations of life, or essentially different hazards, differently in accordance with subsection 1 or 2.

4. It shall not be unfair discrimination for group life insurance policies or contracts subject to chapter 31 to contain an exclusion or restriction for death caused by Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases which existed 6 months prior to the individual's effective date of

insurance if an actuarial justification is filed and approved by the superintendent. The exclusion or restriction may run for no longer than the incontestable period of the policy within the meaning of section 2615.

Sec. 3. 24-A MRSA §2526-A is enacted to read:

§2526-A. Acquired Immune Deficiency Syndrome

No individual policy of life insurance delivered or issued for delivery in this State may provide more restrictive coverage for death resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than for death resulting from any other disease or sickness or exclude coverage for death resulting from AIDS, ARC or HIV related diseases. This section shall not apply to death by accident or accidental means.

Sec. 4. 24-A MRSA §2629 is enacted to read:

§2629. Acquired Immune Deficiency Syndrome

No group life insurance policy delivered or issued for delivery in this State may provide more restrictive coverage for death resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than the death resulting from any other disease or sickness or exclude coverage for death resulting from AIDS, ARC or HIV related diseases except through an exclusion under which deaths resulting from all sicknesses and diseases are treated the same or as provided by section 2159, subsection 4. This section shall not apply to death by accident or accidental means.

Sec. 5. 24-A MRSA §2750 is enacted to read:

§2750. Acquired Immune Deficiency Syndrome

No individual or family health insurance policy delivered or issued for delivery in this State may provide more restrictive benefits for sickness or disablement or the related expenses resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than for any other sickness or disabling condition or exclude benefits for AIDS, ARC or HIV related diseases except through an exclusion under which all sickness and diseases are treated the same. This section shall not apply to a policy providing benefits for specific diseases or accidental injury only.

Sec. 6. 24-A MRSA §2846 is enacted to read:

§2846. Acquired Immune Deficiency Syndrome

No group health insurance policy delivered or issued for delivery in this State may provide more restrictive benefits for sickness or disablement or the related expenses resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases than for any other sickness or disabling condition or exclude benefits for AIDS, ARC or HIV related diseases except through an exclusion under which all sicknesses and diseases are treated the same. This section shall not apply

to a policy providing benefits for specific diseases or accidental injury only.

Sec. 7. 24-A MRSA §4120, sub-§2, as enacted by PL 1969, c. 132, §1, is amended to read:

2. No life benefit certificate ~~shall~~ may be delivered or issued for delivery in this State containing in substance any of the following provisions:

A. Any provision limiting the time within which any action at law or in equity may be commenced to less than 2 years after the cause of action shall accrue;

B. Any provision by which the certificate shall purport to be issued or to take effect more than 6 months before the original application for the certificate was made, except in case of transfer from one form of certificate to another in connection with which the member is to receive credit for any reserve accumulation under the form of certificate from which the transfer is made; ~~or~~

C. Any provision for forfeiture of the certificate for failure to repay any loan thereon or to pay interest on such loan while the total indebtedness, including interest, is less than the load value of the certificate; or

D. Any provision providing more restrictive coverage or excluding coverage for death resulting from Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases except this provision shall not apply to death by accident or accidental means.

Sec. 8. 24-A MRSA §4121-A is enacted to read:

§4121-A. Acquired Immune Deficiency Syndrome

No certificate providing health insurance benefits delivered or issued for delivery in this State, other than a certificate providing benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex or HIV related diseases than for any other disease or sickness or exclude coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or HIV related diseases except through an exclusion under which all sicknesses and diseases are treated the same.

Sec. 9. 24-A MRSA §4229 is enacted to read:

§4229. Acquired Immune Deficiency Syndrome

No policy, contract or certificate delivered or issued for delivery in this State may provide more restrictive coverage for Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex or HIV related diseases than for any other disease or sickness or exclude coverage for AIDS,

ARC or HIV related diseases except through an exclusion under which all sicknesses and diseases are treated the same.

See title page for effective date.

CHAPTER 177

S.P. 329 - L.D. 866

An Act to Establish Free Fishing Days in Maine

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

12 MRSA §7035, sub-§11-A is enacted to read:

11-A. Free fishing days. As a means to promote sport fishing within the inland waters of the State, the commissioner may designate no more than 2 days in each calendar year as "free fishing days." Notwithstanding section 7371 as it applies to section 7151, it shall be lawful during any free fishing day established pursuant to this subsection for any resident to fish without a license in the inland waters, except that this provision shall not apply to any resident whose license to fish is under suspension or revocation. All other provisions of chapters 701 to 721 relating to fish shall be applicable during any free fishing day.

See title page for effective date.

CHAPTER 178

H.P. 330 - L.D. 449

An Act Concerning an Employee's Right to Review the Employee's Personnel File

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

26 MRSA §631, as amended by PL 1979, c. 66, §§1 and 2, is further amended to read:

§631. Employee right to review personnel file

The employer shall, upon written request from an employee or former employee, provide the employee, former employee or his duly authorized representative with an opportunity to review his the employee's personnel file if the employer has a personnel file for that employee. ~~Such~~ The reviews shall take place at the location where the personnel files are maintained and during normal office hours. The employer may at his the employer's discretion allow the review to take place at such other location and time as would be more convenient for the employee. For the purpose of this section, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits and nonprivileged medical records or nurses' station notes relating to the employee which the employer has in his the employer's possession. Any