

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog which that person knows or reasonably should have known is certified for law enforcement use.

2. For the purposes of this section, a dog is certified for law enforcement use if the State has certified that the dog has satisfactorily completed requisite training for one or more law enforcement purposes.

3. Violation of subsection 1, paragraph A is a Class C crime. Violation of subsection 1, paragraph B is a Class D crime.

See title page for effective date.

## CHAPTER 447

### S.P. 142 - L.D. 262

#### An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees

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

**Sec. 1. 24 MRSA §2330, sub-§11**, as amended by PL 1987, c. 25, §§1 and 2, is further amended to read:

**11. Continued group coverage; certain circumstances.** Notwithstanding this section, if the termination of an individual's group insurance coverage is a result of the member or employee being temporarily laid off or losing his employment because of ~~a work-related an injury or occupational disease, the compensability of which that the employee claims to be compensable~~ under Title 39 ~~is not controverted by his employer~~, the insurer shall allow the member or employee to elect, within the time period prescribed by paragraph B, to continue coverage under the group policy at no higher level than the level of benefits or coverage received by the employee immediately before termination and at the member's or employee's expense or, at the member's or employee's option, to convert to a policy of individual coverage without evidence of insurability in accordance with this section.

A. For the purposes of this subsection, the term "member or employee" includes only those persons who have been a member or employee for at least 6 months.

~~B. If the member's or employee's coverage is terminated because of:~~

~~(1) A temporary layoff, the member or employee shall have 31 days from the termination of coverage in which to elect and make his initial payment under this subsection; or~~

~~(2) A nonecontroverted work-related injury or occupational disease, the member or~~

~~employee shall have 60 days from the termination of coverage in which to elect and make his initial payment under this subsection.~~

B-1. The member or employee shall have 31 days from the termination of coverage in which to elect and make the initial payment under this subsection.

C. An insurer is not required to continue coverage under a group policy if the member or employee meets the conditions set out in subsection 3, paragraph A.

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

E. At the option of the member or employee, the continued group coverage may cover the member or employee, the member or employee and his any dependents or only the dependents of the member or employee; provided that, in the latter 2 cases, the dependents have been covered for a period of at least 3 months under the group policy, unless the dependents were not eligible for coverage until after the beginning of the 3-month period.

F. Except as provided in paragraph G, coverage provided under this section shall continue and may not be terminated: until one year from the last day of work.

~~(1) In the case of a termination which is the result of a temporary layoff, until 6 months from the last day of work;~~

~~(2) In the case of a termination which is the result of a member or employee losing his employment because of a nonecontroverted work-related injury or occupational disease which renders him partially incapacitated, until 6 months from the last day of work; and~~

~~(3) In the case of a termination which is the result of a member or employee losing his employment because of a nonecontroverted work-related injury or occupational disease which renders him totally incapacitated, until one year from the last day of work.~~

G. Coverage provided under this section may be terminated sooner than provided under paragraph F if:

(1) The member or employee fails to make timely payment of a required premium amount; or

(2) The member or employee becomes eligible for coverage under another group policy; or

(3) The Workers' Compensation Commission determines that the injury or disease which entitled the employee to continue coverage under this section is not compensable under Title 39.

H. At the expiration of any continued group coverage obtained under this subsection, the member or employee has the same conversion privileges as otherwise granted under this section.

I. This subsection shall not be construed to:

(1) Prevent members or employees from negotiating for or receiving greater continued coverage of group insurance than is provided in this subsection; ~~or~~

(2) Require coverage beyond the time ~~limits~~ limit set in paragraph F; ~~or~~

(3) Permit an employee to increase the level of benefits or coverage that the employee received immediately before the termination of the employee's coverage.

J. This subsection does not apply to any group policy subject to the United States Consolidated Omnibus Budget Reconciliation Act, Public Law 99-272, Title X, Private Health Insurance Coverage, Sections 10001 to 10003.

**Sec. 2. 24-A MRSA §2809-A, sub-§11**, as amended by PL 1987, c. 25, §§3 and 4, is further amended to read:

**11. Continued group coverage; certain circumstances.** Notwithstanding this section, if the termination of an individual's group insurance coverage is a result of the member or employee being temporarily laid off or losing his employment because of ~~a work-related an injury or occupational disease, the compensability of which~~ that the employee claims to be compensable under Title 39 is not controverted by his employer, the insurer shall allow the member or employee to elect, within the time period prescribed by paragraph B, to continue coverage under the group policy at no higher level than the level of benefits or coverage received by the employee immediately before termination and at the member's or employee's expense or, at the member's or employee's option, to convert to a policy of individual coverage without evidence of insurability in accordance with this section.

A. For the purposes of this subsection, the term "member or employee" includes only those persons who have been a member or employee for at least 6 months.

~~B. If the member's or employee's coverage is terminated because of:~~

~~(1) A temporary layoff, the member or employee shall have 31 days from the termi-~~

~~nation of coverage in which to elect and make his initial payment under this subsection; or~~

~~(2) A noncontroverted work-related injury or occupational disease, the member or employee shall have 60 days from the termination of coverage in which to elect and make his initial payment under this subsection.~~

B-1. The member or employee shall have 31 days from the termination of coverage in which to elect and make the initial payment under this subsection.

C. An insurer is not required to continue coverage under a group policy if the member or employee meets the conditions set out in subsection 3, paragraph A.

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

E. At the option of the member or employee, the continued group coverage may cover the member or employee, the member or employee and ~~his~~ any dependents or only the dependents of the member or employee; provided that, in the latter 2 cases, the dependents have been covered for a period of at least 3 months under the group policy, unless the dependents were not eligible for coverage until after the beginning of the 3-month period.

F. Except as provided in paragraph G, coverage provided under this section shall continue and may not be terminated: until one year from the last day of work.

~~(1) In the case of a termination which is the result of a temporary layoff, until 6 months from the last day of work;~~

~~(2) In the case of a termination which is the result of a member or employee losing his employment because of a noncontroverted work-related injury or occupational disease which renders him partially incapacitated, until 6 months from the last day of work; and~~

~~(3) In the case of a termination which is the result of a member or employee losing his employment because of a noncontroverted work-related injury or occupational disease which renders him totally incapacitated, until one year from the last day of work.~~

G. Coverage provided under this section may be terminated sooner than provided under paragraph F if:

(1) The member or employee fails to make timely payment of a required premium amount; ~~or~~

(2) The member or employee becomes eligible for coverage under another group policy; or

(3) The Workers' Compensation Commission determines that the injury or disease which entitle the employee to continue coverage under this section is not compensable under Title 39.

H. At the expiration of any continued group coverage obtained under this subsection, the member or employee has the same conversion privileges as otherwise granted under this section.

I. This subsection shall not be construed to:

(1) Prevent members or employees from negotiating for or receiving greater continued coverage of group insurance than is provided in this subsection; or

(2) Require coverage beyond the time limits limit set in paragraph F; or

(3) Permit an employee to increase the level of benefits or coverage that the employee received immediately before the termination of the employee's coverage.

J. This subsection does not apply to any group policy subject to the United States Consolidated Omnibus Budget Reconciliation Act, Public Law 99-272, Title X, Private Health Insurance Coverage, Sections 10001 to 10003.

See title page for effective date.

**CHAPTER 448**

**H.P. 826 - L.D. 1158**

**An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons**

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

**Sec. 1. 15 MRSA §5821, sub-§3**, as enacted by PL 1987, c. 420, §2, is amended to read:

**3. Other property.** All property which is used or intended for use as a container for property described in subsection 1 or 2, and all property which is used or intended for use to defend, protect, guard or secure any property or items described in subsection 1 or 2;

**Sec. 2. 15 MRSA §5821, sub-§3-A** is enacted to read:

**3-A. Firearms and other weapons.** Law enforcement officers may seize all firearms and dangerous weapons that they may find in any lawful search for scheduled drugs in which scheduled drugs are found. Except for those seized weapons listed in a petition filed in the Superior Court pursuant to section 5822, all weapons seized, after notice and opportunity for hearing shall be forfeited to the State by the District Court 90 days after a list of the weapons and drugs seized is filed in the District Court in the district in which the weapons and drugs were seized. A weapon shall not be forfeited if the owner appears prior to the declaration of forfeiture and satisfies the court, by a preponderance of evidence, of all of the following:

A. That the owner had a possessory interest in the weapon at the time of the seizure sufficient to exclude every person involved with the seized drugs or every person at the site of the seizure;

B. That the owner had no knowledge of or involvement with the drugs and was not at the site of the seizure; and

C. That the owner had not given any involved person permission to possess or use the weapon.

Post-hearing procedures shall be as provided in section 5822.

See title page for effective date.

**CHAPTER 449**

**S.P. 519 - L.D. 1426**

**An Act Relating to Certain Proprietary Information of Insurance Agents and Brokers**

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

**24-A MRSA §2171**, as enacted by PL 1969, c. 132, §1, is amended to read:

**§2171. Using insurance information to detriment of another**

Whenever the instrument requires that the purchaser, mortgagor or borrower furnish insurance of any kind on real or personal property being conveyed or as collateral security to a loan, the mortgagee or lender shall refrain from selling, transferring or otherwise disclosing or using any and all such insurance information to his or its the mortgagee's or lender's own advantage and to the detriment of either the borrower, purchaser, mortgagor, insurer or company or agency complying with the requirements relating to insurance.

See title page for effective date.