

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 1. 5 MRSA §19104, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

§19104. Studies and reports

The council may conduct or commission studies and reports on health policy matters. When distributing requested copies of council reports, the council may charge requestors for reasonable costs incurred in producing and mailing the copies of those reports.

Sec. 2. 5 MRSA §19108, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

§19108. Staff

The council shall employ an executive director, a comprehensive health planner II and a clerk typist ~~H~~ III. The council may employ additional staff as needed.

Sec. 3. 5 MRSA §19110, as enacted by PL 1987, c. 542, Pt. C, §2, is amended to read:

§19110. Funding

The cost of the council's mandated activities and advisory committee meetings ~~shall~~ must be paid from appropriations from the General Fund. The council may accept gifts and grants and may receive private and public funds, and may expend these resources from an appropriate federal or dedicated revenue account to support activities consistent with the purposes of this chapter.

Sec. 4. Local and regional health planning. The Department of Human Services, Office of Planning, Research and Development, shall encourage and support local and regional health planning projects. The goal of these projects is to promote active participation by consumers, providers, educators, business and public officials, and other interested parties in reforming, establishing and reestablishing health care systems that meet community needs.

The department shall work actively with representatives of such groups to encourage and facilitate grant applications to local, state and national granting agencies.

The Maine Health Policy Advisory Council and the Office of Planning, Research and Development shall provide technical advice to regional groups in the areas of preliminary organization, logistics, health resources inventories, intergovernmental relations and other areas as needed.

The Maine Health Policy Advisory Council and the Office of Planning, Research and Development shall submit a report to the Joint Standing Committee on Human Resources by December 1, 1993. The report must be a progress report on the number of local or regional groups involved in planning efforts.

See title page for effective date.

CHAPTER 800

S.P. 908 - L.D. 2311

An Act to Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws

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

5 MRSA §17001, sub-§13, as amended by PL 1987, c. 739, §§2 and 48, is further amended to read:

13. Earnable compensation. "Earnable compensation" means salaries and wages paid for services rendered in an employment position, subject to the following inclusions ~~and~~ , exclusions and limitations.

A. "Earnable compensation" includes:

- (1) Workers' compensation benefits;
- (2) Maintenance, if any;
- (3) Any money paid by an employer to a 3rd party under a tax sheltered annuity contract or a deferred compensation plan for the future benefit of an employee provided that the money is not derived from amounts excluded from earnable compensation by paragraph B; and
- (4) Pick-up contributions.

B. "Earnable compensation" does not include:

- (1) Payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both;
- (2) Any other payment which is not compensation for actual services rendered or which is not paid at the time the actual services are rendered; or
- (3) Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.

C. Notwithstanding the other provisions of this subsection, for the purpose of determining average final compensation, there may be excluded from earnable compensation that portion of any salary or wage increase received during the 3-year period used in the calculation of average final compensation that exceeds the prior year's earnable compensation by more than 15%. The portion of an increase in salary or wages that exceeds 15% may be included in earnable compensation when the executive director specifically determines that the in-

crease was not granted to enhance the member's retirement benefit.

The executive director's decision may be appealed in accordance with section 17451.

The following items may not be considered in calculating salary or wage increases for the purposes of this paragraph:

- (1) Collectively bargained salary or wage increases pursuant to Title 26, chapter 9-A, 9-B or 12;
- (2) Salary or wage increases when similar increases are given at the same time to the majority of persons holding a similar position;
- (3) Job promotion;
- (4) Reclassification of position; or
- (5) Reallocation of position.

See title page for effective date.

CHAPTER 801

H.P. 1655 - L.D. 2291

An Act to Protect Health Insurance Coverage for Citizens on Jury Duty

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

Sec. 1. 14 MRSA §1218, as amended by PL 1979, c. 663, §80, is repealed and the following enacted in its place:

§1218. Protection of jurors' employment and health insurance

An employer may not deprive an employee of employment or health insurance coverage, or threaten or otherwise coerce the employee with respect to loss of employment or health insurance coverage, because the employee receives a summons for jury service, responds to a summons for jury service, serves as a juror or attends court for prospective jury service.

Any employer who violates this section is guilty of a Class E crime.

If an employer discharges an employee or terminates the health insurance coverage of an employee in violation of this section, the employee may bring a civil action within 90 days for recovery of wages or health insurance benefits lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable for wages may not exceed lost

wages for 6 weeks. If the employee prevails, the employee must be allowed a reasonable attorney's fee fixed by the court.

Sec. 2. 24 MRSA §2332-D is enacted to read:

§2332-D. Jury service

1. Prohibition. A nonprofit hospital or medical service organization that issues group health care contracts providing coverage for medical care to residents of this State may not terminate coverage for any person covered under those contracts because the person has been summonsed for or is engaged in jury service under Title 14, chapter 305, subchapter I-A.

2. Application. This section applies to all policies and any certificate executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1991. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. 24-A MRSA §2848 is enacted to read:

§2848. Jury service

1. Prohibition. An insurer that issues group or blanket health care contracts providing coverage for medical care to residents of this State may not terminate coverage for any person covered under those contracts because the person has been summonsed for or is engaged in jury service under Title 14, chapter 305, subchapter I-A.

2. Application. This section applies to all policies and any certificate executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1991. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 4. Effective date. Section 1 of this Act takes effect on January 1, 1991.

See title page for effective date, unless otherwise indicated.

CHAPTER 802

H.P. 1558 - L.D. 2158

An Act to Discourage Negative Campaign Practices

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

Sec. 1. 21-A MRSA c. 13, sub-c. V is enacted to read: