

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

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Sec. 1. 14 MRSA §1218, as amended by PL 1979, c. 663, §80, is repealed and the following enacted in its place: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

SUBCHAPTER VMAINE CODE OF FAIR CAMPAIGN PRACTICES§1101. Maine Code of Fair Campaign Practices

1. Distribution to candidates. At the time a candidate for the office of Governor, the Senate or the House of Representatives registers with the commission as required under section 1013-A, the commission shall give the candidate a form containing a copy of the Maine Code of Fair Campaign Practices established in this subchapter. The commission shall, at that time, inform the candidate that subscription to the code is voluntary. For the purposes of this subchapter, "code" means the Maine Code of Fair Campaign Practices.

2. The code form. The code, printed on the form provided to candidates under subsection 1, must read as follows:

"Maine Code of Fair Campaign Practices

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

I shall not participate in and I shall condemn defamation of and other attacks on any opposing candidate or party that I do not believe to be truthful, provable and relevant to my campaign.

I shall not use or authorize and I shall condemn material relating to my campaign that falsifies, misrepresents or distorts the facts, including, but not limited to, malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

I shall not appeal to and I shall condemn appeals to prejudices based on race, creed, sex or national origin.

I shall not practice and I shall condemn practices that tend to corrupt or undermine the system of free election or that hamper or prevent the free expression of the will of the voters.

I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this code.

I, the undersigned, candidate for election to public office in the State of Maine, hereby voluntarily endorse, subscribe to and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

Candidate for Public Office"

§1102. Printing of code forms

The commission shall print, or cause to be printed, copies of the code for distribution to registered candidates.

§1103. Acceptance of completed forms

The commission shall accept, at all times prior to the election, completed code forms that are properly subscribed to by a candidate.

§1104. Public records

The commission shall retain for public inspection all completed code forms accepted by the commission under section 1103. A code subscribed to by a candidate is a public record under Title 1, section 408.

§1105. Subscription to code voluntary

In no event may a candidate be required to subscribe to or endorse the code.

Sec. 2. Study. The Chair of the Commission on Governmental Ethics and Election Practices shall select 2 commission members, one from each major political party to serve, together with a 3rd member chosen by those 2 commission members or by the chair if those persons can not agree, on a subcommittee. The subcommittee shall study, in consultation with the Department of the Attorney General, candidates' compliance with the Maine Code of Fair Campaign Practices established by this Act and the need for, costs of and legal issues involved with establishment of a complaint procedure to enable a candidate for the office of Governor, the Senate or the House of Representatives who alleges an opponent has violated the code to file a complaint with the commission that will hold a hearing to determine whether a violation, in fact, occurred. A person who is unqualified to serve on the commission may not serve on the subcommittee. In addition, the subcommittee shall recommend any changes in the terms of the code necessary to ensure that it is enforceable with civil or criminal penalties for violations. The subcommittee shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over legal affairs by January 15, 1992.

Sec. 3. Transition provision. As soon as practicable after the effective date of this Act, the Commission on Governmental Ethics and Election Practices shall send the code form provided for by the Maine Revised Statutes, Title 21-A, chapter 13, subchapter V, to candidates for the office of Governor, the Senate or the House of Representatives who have registered as required under Title 21-A, section 1013-A. The commission shall accept and make available for public inspection the endorsed code forms in the manner provided by Title 21-A, chapter 13, subchapter V.

See title page for effective date.