

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

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J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

and **Basic Skills Training Program.** Coordination with the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program established in Title 22, chapter 1054-A; and

Sec. 24. 26 MRSA §2154, sub-§2, as amended by PL 1991, c. 591, Pt. E, §26 and affected by §27, is further amended to read:

2. Allied health care workers. An increased supply of allied health care workers through training of participants in the state job training system. For purposes of this chapter, the state job training system includes job training programs such as the Job Training Partnership Act; the Welfare, Employment, Education and Training Program; the Maine Training Initiative; the ASPIRE-JOBS program Program; and programs administered by participating hospitals.

Sec. 25. 26 MRSA §2171, sub-§3, as enacted by PL 1989, c. 408, §3, is amended to read:

3. Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program. The Additional Support for People in Retraining and Education program - Job Opportunities and Basic Skills Training Program under Title 22, chapter 1054-A;

Sec. 26. Self-employment. The Department of Human Services shall study barriers to self-employment for Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants and submit its findings to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 27. Post-eligibility case management. In order to promote job retention for former Aid to Families with Dependent Children recipients, the Department of Human Services shall offer case management services to Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants for up to 90 days after Aid to Families with Dependent Children benefits have been terminated if the benefits were terminated because of the participants' earnings.

Sec. 28. Information pilot program. In at least one region of the State, the Department of Human Services shall make available to persons completing the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program comprehensive information about the impact of earned income on public assistance benefits and the availability of transitional transportation, child care and medical benefits. This information must be provided in a face-to-face interview when possible. The department shall submit a report regarding the pilot program to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 29. Maximization of federal funds. The Department of Human Services shall review all sources of currently unmatched state dollars benefitting the employment, education and training efforts of participants in the Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program to determine if those funds could generate additional federal matching funds. The review must include, but is not limited to, state funds used for child care; job search or placement services provided by the Technical College System or the University of Maine System; adult education programs; services provided to teen parents in public schools; and job training programs within the Department of Labor.

The department shall further investigate the extent to which in-kind expenditures and funds used by private nonprofit organizations for the benefit of Additional Support for People in Retraining and Education - Job Opportunities and Basic Skills Training Program participants may be used as state matching funds for available federal funds.

The department shall submit its findings and recommendations regarding this section to the Joint Standing Committee on Human Resources by February 1, 1994.

Sec. 30. Family self-sufficiency. To the extent permitted by federal law, the Department of Human Services shall certify local or other funds to qualify for federal financial participation to expand family self-sufficiency programs statewide. The department shall coordinate this expansion with local housing authorities.

See title page for effective date.

CHAPTER 386

H.P. 871 - L.D. 1180

An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System

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

Sec. 1. 5 MRSA §17001, sub-§3-A, as amended by PL 1991, c. 480, §1, is further amended to read:

3-A. Annual base compensation. "Annual base compensation" means a member's gross compensation, based upon amounts reported by the member's employer on the member's previous year's federal wage and tax statement, that is used the first day of each April for setting the amount of coverage prior to retirement for participants in the group life insurance program administered by the board.

Sec. 2. 5 MRSA §17054, sub-§3, as amended by PL 1991, c. 746, §7 and affected by §10, is further amended to read:

3. Recovery of overpayments by the retirement system. Any amounts due the retirement system as the result of overpayment or erroneous payment of benefits ~~or~~, an excess refund of contributions or overpayment or erroneous payment of life insurance benefits may be recovered from an individual's contributions ~~or~~, any benefits or life insurance benefits payable under this Part to the individual or the beneficiary of the individual or any combination of contributions and benefits. If the overpayment or excess refund of contributions resulted from an unintentional mistake by an employee of the retirement system, the retiree or the recipient of the benefit or life insurance benefit, no interest may be collected by the retirement system on the amount to be recovered. The executive director may also take action to recover those amounts due from any amounts payable to the individual by any other state agency or by an action in a court of competent jurisdiction. Whenever the executive director makes a decision to recover any amounts under this subsection, that decision is subject to appeal under section 17451; and

Sec. 3. 5 MRSA §18058, sub-§1, as amended by PL 1991, c. 480, §6, is further amended to read:

1. Employees automatically insured. All employees eligible for basic insurance under this subchapter are automatically insured for the amounts of basic coverage applicable under this subchapter, beginning on the ~~date they first become~~ first day of the month following one month of employment after the employee becomes eligible. Each employee shall complete an application for insurance coverage within 31 days of becoming eligible.

A. The employee shall indicate the types of coverage elected.

B. If an application is completed in a timely manner, any coverage in addition to basic becomes effective on the first day of the month following one month of employment after the employee becomes eligible.

C. If an application is not completed within 31 days of the employee's first becoming eligible, the employee may subsequently apply for supplemental and dependent insurance but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

Sec. 4. 5 MRSA §18061, sub-§2, ¶¶A and B, as amended by PL 1991, c. 480, §7, are further amended to read:

A. On retirement for reasons other than disability, ~~the average an~~ amount of basic life insurance

~~in force for the last 3 years prior to retirement equal to the employee's average final compensation~~ must be continued in force at no cost to the participant, if the employee has participated in the group life insurance program for a minimum of 10 years. ~~For the purpose of determining the average amount of basic insurance in force, there must be excluded from the amount of basic coverage in force during the last 3 years prior to retirement that portion of basic coverage that exceeds the previous year's coverage by 10%.~~

(1) Except as provided in paragraph B, the average initial amount of basic life insurance that continued into retirement must be reduced at the rate of 15% per year to a minimum of 40% of the average initial amount of basic life insurance that continued into retirement or \$2,500, whichever is greater.

(2) In determining benefits under this subchapter, the reductions become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached.

B. The reduction set out in paragraph A, subparagraph (1) does not apply to any Justice of the Supreme Judicial Court or Superior Court, to any Judge of the District Court or Administrative Court, nor to any retired justice or judge who was insured and who was living on September 14, 1979.

(1) The average initial amount of basic life insurance referred to in this subsection that continued into retirement for any justice or judge must be continued in force at no cost to the justice or judge until the justice or judge reaches 70 years of age.

(2) When a justice or judge reaches 70 years of age, the amount of insurance in force ~~becomes~~ must be reduced to 25% of the average initial amount of basic life insurance that continued into retirement. This reduction becomes effective at 12:01 a.m. of the day following the date on which the justice or judge reaches 70 years of age.

Sec. 5. 5 MRSA §18658, sub-§1, as amended by PL 1991, c. 480, §11, is further amended to read:

1. Employees automatically insured. All employees eligible for basic insurance under this subchapter are automatically insured for the amounts of basic coverage applicable under this subchapter, beginning on the ~~date they first become~~ day of the month following one month

of employment after the employee becomes eligible. Each employee shall complete an application for insurance coverage within 31 days of becoming eligible.

A. The employee shall indicate the types of coverage elected.

B. If an application is completed in a timely manner, any coverage in addition to basic becomes effective on the first day of the month following one month of employment after the employee becomes eligible.

C. If an application is not completed within 31 days of the employee's first becoming eligible, the employee may subsequently apply for supplemental and dependent insurance but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

Sec. 6. 5 MRSA §18661, sub-§2, ¶A, as amended by PL 1991, c. 480, §12, is further amended to read:

A. On retirement for reasons other than disability, ~~the average an amount of basic life insurance in force for the last 3 years prior to retirement equal to the employee's average final compensation must be continued in force at no cost to the participant, if the participant has participated in the group life insurance program for a minimum of 10 years. For the purpose of determining the average amount of basic insurance in force, there must be excluded from the amount of basic coverage in force during the last 3 years prior to retirement that portion of basic coverage that exceeds the previous year's coverage by 10%.~~

(1) Except as provided in paragraph B, the average initial amount of basic life insurance that continued into retirement must be reduced at the rate of 15% a year to a minimum of 40% of the average initial amount of basic life insurance that continued into retirement or \$2,500, whichever is greater.

(2) In determining benefits under this subchapter, the reductions become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached.

See title page for effective date.

CHAPTER 387

H.P. 922 - L.D. 1246

An Act to Amend Laws Administered by the Maine State Retirement System

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the need to control the costs of the state retirement system is widely recognized; and

Whereas, unless this legislation is enacted as an emergency measure the development and implementation of plans to control costs may be unnecessarily delayed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 3 MRSA §805, sub-§1, ¶B, as enacted by PL 1985, c. 507, §1, is amended to read:

B. Payment ~~shall~~ must be made upon application and upon termination of service and in not less than 22 days and not more than ~~37~~ 60 days after receipt of the application and receipt of the last payroll upon which the name of the member appears, whichever occurs later.

Sec. A-2. 4 MRSA §1305, sub-§1, ¶B, as amended by PL 1989, c. 133, §27, is further amended to read:

B. Payment of accumulated contributions ~~shall~~ may not be made earlier than 22 days nor more than ~~37~~ 60 days after receipt of the application and receipt of the last payroll upon which the name of the member appears, whichever occurs later.