

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

group policy issued to replace the prior contract or policy is the "replacement policy." The group contract or policy or uninsured employee benefit plan being replaced is the "replaced contract or policy."

Sec. D-4. 24-A MRSA §2849-B, sub-§2, as amended by PL 1993, c. 477, Pt. A, §9 and affected by Pt. F, §1, is further amended to read:

2. Persons provided continuity of coverage. Except as provided in subsection 3, this section provides continuity of coverage for a person who seeks coverage under an individual or a group insurance policy or health maintenance organization policy if:

A. That person was covered under an individual or group contract or policy issued by any non-profit hospital or medical service organization, insurer, health maintenance organization, or was covered under an uninsured employee benefit plan that provides payment for health services received by employees and their dependents or a governmental program such as Medicaid, the Maine Health Program, as established in Title 22, section 3189, the Maine High-Risk Insurance Organization, as established in section 6052 or the Civilian Health and Medical Program of the Uniformed Services, 10 United States Code, Section 1072, Subsection 4. For purposes of this section, the individual or group policy under which the person is seeking coverage is the "succeeding policy." The group or individual contract or policy or the uninsured employee benefit plan that previously covered the person is the "prior contract or policy"; ~~and~~

B. Coverage under the prior contract or policy terminated within 3 months before the date the person enrolls or is eligible to enroll in the succeeding policy. A period of ineligibility for any health plan imposed by terms of employment may not be considered in determining whether the coverage ended within 3 months of the date the person enrolls or would otherwise be eligible to enroll; ~~and~~

C. This section does not apply to replacements of group coverage within the scope of section 2849.

See title page for effective date.

CHAPTER 667

H.P. 1445 - L.D. 1972

An Act to Revise the Duties of the Superintendent of the Pineland Center

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

Whereas, it is important to create consistency of management structure within the Department of Mental Health and Mental Retardation; and

Whereas, current vacancies within the Department of Mental Health and Mental Retardation make management changes timely; 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:

Sec. 1. 34-B MRSA §1204, sub-§2, ¶B, as amended by PL 1993, c. 410, Pt. CCC, §10, is further amended to read:

B. The commissioner may appoint and set the salaries for an associate commissioner for programs and an associate commissioner for administration to assist in carrying out the responsibilities of the department.

(1) Each appointment must be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(2) To be eligible for appointment as associate commissioner for programs, a person must have training and experience in the planning and administration of human services.

(3) To be eligible for appointment as associate commissioner for administration, a person must have training and experience in general management.

~~(4) The Associate Commissioner for Programs has the primary responsibility for coordinating the programs of the Division of Mental Retardation and has supervisory authority over the Superintendent of the Pineland Center and the Aroostook Residential Center.~~

Sec. 2. 34-B MRSA §1401, sub-§1, ¶B, as repealed and replaced by PL 1993, c. 410, Pt. CCC, §14, is amended to read:

B. The Chief Administrative Officer of the Bangor Mental Health Institute reports directly to the Chief Administrative Officer of the Augusta Mental Health Institute, who in turn reports directly to the commissioner. The Chief Administrative ~~Officers~~ Officer of Pineland Center and the Aroostook Residential Center ~~report reports~~ directly to the ~~Associate Commissioner for Programs~~ Chief Administrative Officer of the Pineland Center, who in turn reports directly to the commissioner.

Sec. 3. 34-B MRSA §5402, sub-§3, ¶B, as enacted by PL 1983, c. 459, §7, is amended to read:

B. The appointment is ~~for an indefinite term and until his successor is appointed and qualified, or during~~ at the pleasure of the commissioner.

Sec. 4. 34-B MRSA §5402, sub-§4, ¶B, as enacted by PL 1983, c. 459, §7, is amended to read:

B. Be responsible for the discharge of all such persons, except those placed in Pineland Center under Title 15, section ~~404~~ 101-B or 103; and

Sec. 5. 34-B MRSA §5402, sub-§4, ¶C, as amended by PL 1993, c. 410, Pt. CCC, §33, is further amended to read:

C. Have ~~direct supervision, management and control of the grounds, buildings, property, officers and employees~~ general superintendence of the Pineland Center, subject to the approval of the Associate Commissioner for Programs and its grounds and of the Division of Mental Retardation under the direction of the commissioner.

Sec. 6. 34-B MRSA §5403, sub-§3, ¶C, as amended by PL 1993, c. 410, Pt. CCC, §34, is further amended to read:

C. Have direct supervision, management and control of the grounds, buildings, property, officers and employees of the Aroostook Residential Center, subject to the approval of the ~~Associate Commissioner for Programs~~ Superintendent of the Pineland Center.

Sec. 7. Report. By December 1, 1994, the Commissioner of Mental Health and Mental Retardation shall submit legislation to the Joint Standing Committee on Human Resources that realigns management responsibilities to reflect the changing balance within the department between institutional services and community-based services. The legislation must include a supervisory structure in which the Aroostook Residential Center and the Pineland Center are overseen by the Division of Mental Retardation, which in turn is overseen by the commissioner. The

report must recommend a supervisory structure in which the Bangor Mental Health Institute and the Augusta Mental Health Institute are overseen by the Division of Mental Health, which in turn is overseen by the commissioner. The report may include, but is not limited to, elimination of positions and creation of more appropriate positions, realignment of responsibilities for existing positions and changes in pay as appropriate.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 12, 1994.

CHAPTER 668

H.P. 1482 - L.D. 2007

An Act to Clarify the Process for Filling Unexpired Terms for School Board Members

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

Sec. 1. 20-A MRSA §1653, sub-§1, ¶C, as amended by PL 1991, c. 655, §3, is further amended to read:

C. Notwithstanding paragraphs A and B, the voters of a district may vote on an appropriate article at meetings called by the municipal officers of the respective member towns, in accordance with section 1602, to establish a fixed common date for all newly elected school committee members to assume their terms of office. The common date must be subsequent to the last annual municipal election within the district, but may be no later than July 1st of the next fiscal year. The adoption of such a common date is conditional upon the favorable passage of this article at each of the meetings of the member towns. This paragraph does not apply to commencement of terms of office of members elected to fill vacancies. Vacancies are filled for the remainder of the unexpired term as provided in subsection 2, paragraph A.

Sec. 2. 20-A MRSA §1653, sub-§2, ¶A, as amended by PL 1991, c. 655, §3, is further amended to read:

A. A vacancy on a school committee of a district that does not include kindergarten and grades one to 12, whether caused by death, by resignation or by a member having changed residence from the town that the member was