

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

rollee's complaint, related history, examination results, initial diagnosis and recommendations for treatment. If the eye care provider does not send a report to the primary care provider within 3 working days, the carrier is not obligated to provide benefits for the self-referred visits under this paragraph and the enrollee is not liable to the eye care provider for any unpaid fees.

B. A carrier shall ensure that all eye care providers participating in the carrier's health plans are included on any publicly accessible list of participating providers for the carrier.

C. A carrier shall allow each eye care provider participating in the carrier's health plans to furnish covered eye care services to enrollees without discrimination between classes of eye care providers and to provide the eye care services permitted by the eye care provider's license.

**3. Prohibitions.** A carrier may not:

A. Impose a deductible or coinsurance for eye care services that is greater than the deductible or coinsurance imposed for other health care services under a health plan; or

B. Require an eye care provider to hold hospital privileges as a condition of participation as a provider under a health plan.

**4. Construction.** This section may not be construed as:

A. Requiring coverage for routine eye examinations;

B. Creating coverage for any health care service that is not otherwise covered under the terms of a health plan;

C. Requiring a carrier to include as a participating provider every willing provider or health care professional who meets the terms and conditions of a health plan;

D. Preventing an enrollee from seeking eye care services from the enrollee's primary care provider in accordance with the terms of the enrollee's health plan;

E. Increasing or decreasing the scope of practice of optometry or ophthalmology as defined in Title 32;

F. Requiring eye care services to be provided in a hospital or similar health care facility; or

G. Notwithstanding the definition of eye care services in subsection 1, paragraph B, prohibiting a carrier from requiring an enrollee to receive

prior approval or authorization from a primary care provider for any subsequent surgical procedures.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State by a health insurance carrier that provides coverage for eye care services on or after January 1, 2002. For purposes of this Act, all policies, contracts and certificates are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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## CHAPTER 409

H.P. 1166 - L.D. 1566

### An Act to Improve Pension Benefits for Employees in the Department of Environmental Protection

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

**Sec. 1. 5 MRSA §17851-A, sub-§1, ¶¶J and K,** as enacted by PL 1999, c. 493, §6, are amended to read:

J. Law enforcement officers in the employment of the Baxter State Park Authority on January 1, 2000 or hired thereafter; and

K. The State Fire Marshal or a state fire marshal investigator or state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; and

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶L** is enacted to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or are hired thereafter.

**Sec. 3. 5 MRSA §17851-A, sub-§2,** as amended by PL 1999, c. 493, §7, is further amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H ~~and~~, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any

employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 4. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 1999, c. 493, §8, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 for employees identified in subsection 1, paragraphs A to H and after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraph L regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 5. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c. 489, §14; c. 493, §9; and c. 731, Pt. CC, §§5 and 6, is repealed and the following enacted in its place:

**4. Computation of benefits.** The amount of the service retirement benefit for members qualified under subsection 2 must be computed as follows.

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; if

service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after December 31, 2001 for employees identified in subsection 1, paragraph L, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

B. Except as provided in paragraphs D and E, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to

the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H, before January 1, 2000 for employees identified in subsection 1, paragraphs I to K and before January 1, 2002 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L in any one or a combination of

the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 for employees identified in subsection 1, paragraphs A to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

D. The service retirement benefit of a member who is a Maine State Prison employee to whom subsection 1, paragraph E applies, and who qualifies for service retirement benefits under subsection 2, paragraph B, must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph E regardless of whether the creditable service was earned before, on or after July 1, 1998, except that:

(1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C, subparagraphs (1) and (2); or

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C-1.

E. The service retirement benefit of a member to whom subsection 1, paragraph L applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph L.

regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

(1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 6. 5 MRSA §17851-A, sub-§5,** as amended by PL 1999, c. 493, §9, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter III, after June 30, 1998; for employees identified in subsection 1, paragraphs A to H, ~~and~~ after December 31, 1999; for employees identified in subsection 1, paragraphs I to K and after December 31, 2001 for employees identified in subsection 1, paragraph L, a member in the capacities specified in subsection 1 must contribute to the retirement system or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 7. 38 MRSA §551, sub-§5, ¶H,** as amended by PL 1991, c. 698, §11, is further amended to read:

H. Sums, up to \$50,000 each year, that have been allocated by the Legislature on a contingency basis in accordance with section 555 for payment of costs for damage assessment for specific spills and site-specific studies of the environmental impacts of a particular discharge prohibited by section 543 that may have adverse economic effects and occur subsequent to such an allocation, when those studies are determined necessary by the commissioner; ~~and~~

**Sec. 8. 38 MRSA §551, sub-§5, ¶I,** as enacted by PL 1989, c. 868, §8, is amended to read:

I. Payment of costs for the collection of overdue reimbursements; and

**Sec. 9. 38 MRSA §551, sub-§5, ¶J** is enacted to read:

J. Payment of 0.25¢ per barrel of the 3¢ per barrel received pursuant to subsection 4 to fund the

purposes of Title 5, section 17851-A, subsection 1, paragraph L.

**Sec. 10. Allocation.** The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Act.

	2001-02	2002-03
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Remediation and Waste Management</b>		
Personal Services	\$1,821	\$1,844
Provides an allocation for the 1.65% increase to the normal retirement rate for certain oil and hazardous materials emergency response workers due to a plan change.		

**Sec. 11. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Remediation and Waste Management</b>		
Personal Services	\$497,901	\$14,870
Provides an allocation in the first year for the unfunded liability and in both years for the 1.65% increase to the normal retirement rate for certain oil and hazardous materials emergency response workers due to a plan change.		

See title page for effective date.

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**CHAPTER 410**

**S.P. 573 - L.D. 1745**

**An Act to Address Issues in the  
Maine Health Insurance Market**

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