

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

ter of dismissal or upon listing of the complaint on a published commission meeting agenda, whichever first occurs. Prior to the conclusion of an investigation, all information possessed by the commission relating to the investigation is confidential and may not be disclosed, except that the commission and its employees have discretion to disclose such information as is reasonably necessary to further the investigation. Notwithstanding any other provision of this section, the complaint and evidence collected during the investigation of the complaint may be used as evidence in any subsequent proceeding, civil or criminal. The commission must conclude an investigation under this paragraph within 2 years after the complaint is filed with the commission.

Sec. 3. 5 MRSA §4613, sub-§2, ¶C, as amended by PL 1975, c. 357, §2, is further amended to read:

C. The action ~~shall~~ must be commenced not more than either 2 years after the act of unlawful discrimination complained of or 90 days after any of the occurrences listed under section 4622, subsection 1, paragraphs A to D, whichever is later.

Sec. 4. 5 MRSA §4622, sub-§1, ¶C, as amended by PL 2003, c. 279, §2, is further amended to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 ~~and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C; or~~

See title page for effective date.

CHAPTER 236

S.P. 452 - L.D. 1219

**An Act To Correct Inequities
for Certain Maine Community
College System Employees in
the Maine Public Employees
Retirement System**

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

Whereas, it is necessary that this legislation be enacted as soon as possible in order to avoid undue financial hardship for the employees of the Maine Community College System who were denied group life insurance through the Maine Public Employees Retirement System; 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. 5 MRSA §18058, sub-§1, as amended by PL 1993, c. 386, §3, is further amended to read:

1. Employees automatically insured. ~~All~~ Except as provided in Title 20-A, section 12722, subsection 8, paragraph D, 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 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. 2. 5 MRSA §18058, sub-§2, as amended by PL 2007, c. 17, §1 and affected by §3, is further amended to read:

2. Employees not wanting to be insured. ~~Any~~ Except as provided in Title 20-A, section 12722, subsection 8, paragraph D, any employee not wanting to be insured under this subchapter, at the time the employee first becomes eligible, shall, on the application form, give written notice to the employee's employing officer and to the retirement system that the employee does not want to be insured.

A. If after being insured, the employee wishes to cancel or reduce coverage, written notice must be given by the employee to the employee's employing officer and to the retirement system.

B. The employee's insurance coverage must cease or be reduced at the end of the month in which the notice is received by the employing office.

C. Any employee who does not want to be insured or who cancels insurance coverage may

subsequently apply for insurance, but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

D. Any employee who, during a period of unpaid military leave of absence, does not continue coverage while on unpaid military leave must be reinstated to the levels of coverage in effect immediately prior to the unpaid military leave. A request for reinstatement by the employee must be made within 31 days of the employee's return to work following unpaid military leave. An employee who wants to be reinstated and who does not apply for reinstatement within 31 days of the employee's return to work from unpaid military leave must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

Sec. 3. 20-A MRSA §12722, sub-§8, ¶D is enacted to read:

D. A person who participated in the defined contribution plan described in subsection 1 and subsequently resumed participation or commenced participation in the defined benefit plan administered by the Maine Public Employees Retirement System pursuant to paragraph A or B is eligible for coverage under the group life insurance program as of the date of resumption or commencement of participation in the defined benefit plan. A person who elects to participate in the group life insurance program as of the date of resumption or commencement of participation in the defined benefit plan does not need to provide evidence of insurability in order to receive coverage under the group life insurance program provided to employees of the Maine Community College System.

Sec. 4. Application. A confidential employee of the Maine Community College System who joins or rejoins the defined benefit plan administered by the Maine Public Employees Retirement System under the provisions of Public Law 2003, chapter 261 on or before January 1, 2010 is eligible for coverage under the group life insurance program as of the date of commencement or resumption of participation in the defined benefit plan. A person who elects to participate in the group life insurance program as of the date of commencement or resumption of participation in the defined benefit plan pursuant to this section does not need to provide evidence of insurability in order to receive coverage under the group life insurance program.

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

Effective June 2, 2009.

CHAPTER 237

H.P. 950 - L.D. 1349

An Act To Streamline Ratemaking for Consumer-owned Water Utilities

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

Sec. 1. 35-A MRSA §310, sub-§3, ¶A, as amended by PL 2007, c. 127, §1, is further amended to read:

A. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that elect to proceed pursuant to the terms of section 6104 or 6104-A, unless by the express terms of section 6104 or 6104-A the provisions of this section are made applicable to those corporations;

Sec. 2. 35-A MRSA §6104-A is enacted to read:

§6104-A. Consumer-owned water utilities; streamlined ratemaking

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Large consumer-owned water utility" means a consumer-owned water utility with total annual revenues of at least \$750,000 during the most recent fiscal year.

B. "Medium consumer-owned water utility" means a consumer-owned water utility with total annual revenues of less than \$750,000 and at least \$250,000 during the most recent fiscal year.

C. "Small consumer-owned water utility" means a consumer-owned water utility with total annual revenues of less than \$250,000 during the most recent fiscal year.

2. Application of this section; qualification; supporting materials. Notwithstanding section 310 or section 6104, any consumer-owned water utility that meets the requirements of this subsection may elect to increase rates pursuant to this section. To qualify for a rate increase under this section, a