

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

assets deposited or held in trust as security for an individual or group self-insurer under this section.

A. In addition to cash, the deposit funds or permissible investments for trust funds acceptable to the Superintendent of Insurance as a security deposit are:

(1) Bonds, notes and bills that are issued by and are the direct obligation of the United States Treasury;

(2) Bonds issued or guaranteed by United States government agencies;

(3) Commercial paper rated as "P-1" by Moody's Investors Service, Inc. or "A-1" or better by Standard and Poor's Corporation or the rating equivalent of either by any other nationally recognized statistical rating agency;

(4) Money market funds rated "AAM" or "AAM-G" or better by Standard and Poor's Corporation or the rating equivalent of any other nationally recognized statistical rating agency;

(5) Certificates of deposit issued by a duly chartered commercial bank or thrift institution in the State protected by the Federal Deposit Insurance Corporation if the bank or institution possesses assets of at least \$100,000,000 and maintains a Tier 1 capital ratio equal to or greater than 6%;

(6) Bonds that are issued by corporations or municipalities and that are rated "A2" or better by Moody's Investors Service, Inc. or "A" or better by Standard and Poor's Corporation or the rating equivalent of either by any other nationally recognized statistical rating agency; and

(7) Other investments specifically approved by the superintendent.

B. Investments must be diversified in a prudent manner to ensure that funds are maintained at a sufficient level to discharge workers' compensation obligations incurred by the employer pursuant to this Title as those obligations become due and payable. At least 30% of the portfolio, as measured at market value, must consist of cash, direct obligations of the United States Treasury, commercial paper, money market funds or certificates of deposit. No more than 40% of the portfolio, as measured at market value, may be invested in bonds issued or generated by United States government agencies, with no more than 10% of the portfolio invested in a single issuer. No more than 50% of the portfolio, as measured at market value, may be invested in corporate or municipal bonds, with no more than 5% of the portfolio in-

vested in a single issuer. No more than 25% of the corporate bond portion of the portfolio, as measured at market value, may be invested in a single industry, as defined by the North American Industry Classification System of the United States Department of Commerce, United States Census Bureau.

C. If the portfolio no longer meets the requirements of this subsection as a result of a rating downgrade or a change in financial condition or market value, the value may not be considered in determining whether a deposit or trust has surplus available for distribution, and the superintendent has discretion to discount or disallow the value of the investment for purposes of determining whether additional security is required. In the case of a portfolio that no longer meets the diversification requirements of paragraph B, the self-insurer may designate the specific assets to be disallowed, as long as the remaining assets meet the requirements of paragraph B.

See title page for effective date.

CHAPTER 60

H.P. 87 - L.D. 129

An Act To Provide Options to Schools for Making Up School Days

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

Whereas, last winter's weather conditions included blizzards and snowstorms that set records for the amount of snowfall in many regions of the State, which caused the cancellation of a significant number of school days in many school administrative units due to dangerous road and travel conditions; and

Whereas, Department of Education Rule Chapter 125 provides that a school board may reschedule cancelled school days by conducting classes on the weekend, rescheduling or shortening scheduled vacation periods or postponing the scheduled closing date of the school year; and

Whereas, providing school administrative units with the additional option of adding make-up instructional time during existing school days would provide school boards with greater flexibility in determining how to meet the minimum school year calendar requirements; and

Whereas, because Rule Chapter 125 is a major substantive rule, changes to the rule require legislative review before the changes may be made; and

Whereas, the Legislature has the authority to direct the Department of Education to amend its rule to reflect legislative policy determinations; and

Whereas, the Department of Education and school boards need statutory and rule revisions for the acceptable methods established for rescheduling cancelled school days in order for school administrative units to have another option to meet the minimum school year calendar requirements for this school year; 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. 20-A MRSA §4801, sub-§1, ¶F is enacted to read:

F. A school administrative unit operating under a plan approved by the commissioner may provide for a one-hour extension of the school day for up to 25 days in a school year. Notwithstanding the required number of school days under this subsection, 5 one-hour extensions may be counted as one additional school day. A school administrative unit may, with the approval of the commissioner pursuant to rules adopted in accordance with this subsection, implement extended days pursuant to this paragraph only for the purpose of making up school days missed due to weather or emergency closures.

Sec. 2. Amendment of rule. The Department of Education shall amend portions of Section 6 of its Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to provide that the acceptable methods of rescheduling school days cancelled due to weather or emergency closures may include a one-hour extension of the school day for up to 25 days in a school year and to provide that 5 one-hour extensions may be counted as one additional school day.

Sec. 3. Expedited amendment process. Notwithstanding the Maine Revised Statutes, Title 5, chapter 375, subchapters 2 and 2-A and any other law, the Department of Education shall adopt the amendments to Section 6 of its Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units as provided in section 2 of this Act. The department shall file the amended rule with the Secretary of State as a final adopted rule within 7 business days of the effective date of this Act and the rule is effective upon filing. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2015,

any changes to Rule Chapter 125 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective May 10, 2015.

CHAPTER 61

H.P. 152 - L.D. 220

An Act To Require Proper Notification of Life Insurance Cancellation

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

Whereas, coverage under the group life insurance coverage program administered by the Maine Public Employees Retirement System may be terminated for nonpayment of premium if premiums are not paid when due at the end of the month; and

Whereas, employees have no recourse to reinstate coverage following termination; and

Whereas, employees may not have received notice of cancellation during an unpaid leave of absence due to an accident or illness and family members learn of the termination of coverage only following the death of the employee; and

Whereas, this legislation would allow employees to designate a 3rd party to also receive a notice of cancellation prior to the termination of life insurance coverage to provide further protection to avoid termination of coverage; and

Whereas, immediate enactment of this legislation is needed to help preserve life insurance coverage for employees and their families; 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, ¶D is enacted to read:

D. The employee may designate in writing the name and address of a 3rd party to whom notice must be provided as required in subsection 6.