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Legislative Document

No. 37

S.P. 45

In Senate, January 13, 2021

**An Act To Amend the Laws Concerning the Retired County and
Municipal Law Enforcement Officers and Municipal Firefighters
Health Insurance Program**

(EMERGENCY)

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative COSTAIN of Plymouth.

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

3 **Whereas,** pursuant to Public Law 2019, chapter 446, section 7, the open enrollment
4 period for certain county or municipal law enforcement officers or municipal firefighters
5 who are employed as county or municipal law enforcement officers or municipal
6 firefighters to enroll in the Retired County and Municipal Law Enforcement Officers and
7 Municipal Firefighters Health Insurance Program ends December 31, 2021; and

8 **Whereas,** it is necessary for this legislation to be enacted as soon as possible to
9 provide sufficient time for such officers and firefighters to enroll prior to December 31,
10 2021; and

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

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

16 **Sec. 1. 5 MRSA §286-M, sub-§3,** as amended by PL 2019, c. 446, §1, is further
17 amended to read:

18 **3. Eligibility for program coverage.** A person must make contributions pursuant to
19 subsection 5, paragraph D and subsection 8 ~~for 60 months~~ in order to be eligible for
20 coverage under the program. In addition, a person must satisfy the eligibility criteria
21 specified in this subsection as follows:

22 A. The person must:

23 (1) Be at least 50 years of age;

24 (2) Be a retired county or municipal law enforcement officer or a retired municipal
25 firefighter;

26 (3) Have, while actively employed as a county or municipal law enforcement
27 officer or municipal firefighter, participated in the person's employer's health
28 insurance plan or other fully-insured health insurance plan; and

29 (4) Receive or be eligible to receive:

30 (a) If retired from at least 25 years of service in a position as a county or
31 municipal law enforcement officer or a municipal firefighter, a retirement
32 benefit from the Maine Public Employees Retirement System or a defined
33 contribution retirement plan other than the United States Social Security Act;
34 or

35 (b) If retired from less than 25 years of service in a position as a county or
36 municipal law enforcement officer or a municipal firefighter, a retirement
37 benefit from the Maine Public Employees Retirement System or a defined
38 contribution retirement plan other than the United States Social Security Act,
39 as long as the benefit provided is at least 50% of average final compensation,
40 with no reduction for early retirement and with or without a cost-of-living
41 adjustment; or

1 B. The person must be a dependent of a person meeting the criteria of paragraph A.

2 **Sec. 2. 5 MRSA §286-M, sub-§5, ¶D**, as enacted by PL 2019, c. 446, §2, is
3 amended to read:

4 D. When the effective date of hire of the eligible person is on or after October 1, 2019,
5 the eligible person must enroll in the program no later than 5 years following the
6 effective date of hire, ~~subject to the enrollment and eligibility requirements of the~~
7 ~~applicable group health plan~~. If the eligible person enrolls in the program no later than
8 60 days following the effective date of hire, the eligible person contributes to the fund
9 at the rate specified in subsection 8, paragraph A. If the eligible person enrolls in the
10 program more than 60 days following the effective date of hire, the eligible person
11 shall contribute to the fund 2% of the eligible person's gross wages since the eligible
12 person's effective date of hire to that person's date of enrollment in the program and
13 shall contribute to the fund at the rate specified in subsection 8, paragraph A after the
14 eligible person's date of enrollment.

15 **Sec. 3. 5 MRSA §286-M, sub-§6, ¶D**, as enacted by PL 2019, c. 446, §2, is
16 amended to read:

17 D. An enrollee may participate in the group health insurance plan in which the
18 enrollee's spouse participates if that plan is offered in this State or in another group
19 health insurance plan that is offered in this State. An enrollee is responsible for the
20 premium payment associated with the cost of the group health insurance plan in which
21 the enrollee is participating, ~~to the extent such premium obligations exist following the~~
22 ~~application of any premium subsidy authorized by law~~. An enrollee who fails to remit
23 the premium payments as established and required by the group health insurance plan
24 in which the enrollee is participating must be disenrolled from the program. The State
25 shall provide a premium subsidy for each enrollee in the form of a direct payment to
26 the ~~group health insurance plan in which the enrollee is participating~~ enrollee. Prior to
27 July 1, 2021, the level of the premium subsidy must equal 45% of the individual
28 premium cost for the enrollee or a dollar amount equivalent to the highest premium
29 subsidy provided in accordance with paragraph A, whichever is less. Beginning July
30 1, 2021, the level of the premium subsidy must equal 55% of the individual premium
31 cost for the enrollee or a dollar amount equivalent to the highest premium subsidy
32 provided in accordance with paragraph A, whichever is less. Enrollees are responsible
33 for the balance of the applicable individual premium, as well as the total cost of the
34 premium for any applicable dependent coverage, and shall make payments directly to
35 the group health insurance plan in which the enrollee is participating.

36 **Sec. 4. PL 2019, c. 446, §7** is amended to read:

37 **Sec. 7. Open enrollment.** Notwithstanding the Maine Revised Statutes, Title 5,
38 section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal
39 firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H,
40 respectively, who is employed as a county or municipal law enforcement officer or a
41 municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021
42 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal
43 Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1
44 at any time during that period while employed as a county or municipal law enforcement
45 officer or a municipal firefighter. ~~Such~~ Notwithstanding Title 5, section 286-M, subsection

1 5, paragraph D, such a person who enrolls in the program and is not otherwise eligible to
2 enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the
3 Firefighters and Law Enforcement Officers Health Insurance Program Fund established in
4 Title 5, section 286-M, subsection 7 a percentage of that person's gross wages in each year
5 of creditable service since that person's effective date of hire as a county or municipal law
6 enforcement officer or a municipal firefighter ~~to that person's date of enrollment in the~~
7 ~~program or since January 1, 2007, whichever is later,~~ equal to ~~1.5% for the first 5 years~~ 3%
8 until December 31, 2014 and ~~3%~~ 1.5% for additional years.

9 **Sec. 5. Retroactive application; enrollment contributions.** That section of this
10 Act that amends Public Law 2019, chapter 446, section 7 applies retroactively to September
11 19, 2019. The Department of Administrative and Financial Services, Bureau of Human
12 Resources, office of employee health and benefits shall ensure that enrollment
13 contributions pursuant to Public Law 2019, chapter 446, section 7, as amended, to the
14 Retired County and Municipal Law Enforcement Officers and Municipal Firefighters
15 Health Insurance Program under the Maine Revised Statutes, Title 5, section 286-M made
16 by enrollees between September 19, 2019 and the effective date of this Act are consistent
17 with this Act.

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

20 SUMMARY

21 This bill amends language contained in Public Law 2019, chapter 446 governing
22 contributions under the open enrollment provisions of the Retired County and Municipal
23 Law Enforcement Officers and Municipal Firefighters Health Insurance Program.
24 Currently, the law requires a person hired on or after October 1, 2019 to enroll no later than
25 5 years after hire, conditioned on the enrollment and eligibility requirements of the
26 applicable health plan; this bill removes that condition.

27 The bill also changes the percentage of gross wages for contributions and the time
28 period during which contributions of gross percentages must be made. The bill removes
29 the requirement of 60 months of contributions by enrollees. The bill also changes the
30 State's payment of certain premium subsidies from payment to the plan to payment directly
31 to enrollees. The amendments to the open enrollment provisions are retroactive to
32 September 19, 2019, and the Department of Administrative and Financial Services, Bureau
33 of Human Resources, office of employee health and benefits is required to ensure correct
34 contribution amounts for those who enrolled between September 19, 2019 and the effective
35 date of this legislation.