



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1036

S.P. 326

In Senate, March 10, 2021

**An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan**

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Reference to the Committee on Health Coverage, Insurance and Financial Services suggested 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 BLACK of Franklin.

Cosponsored by Senator: CYRWAY of Kennebec, Representative: STEARNS of Guilford.

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

2 **Sec. 1. 5 MRSA §285, sub-§1, ¶G**, as amended by PL 2019, c. 669, §1, is further  
3 amended by amending subparagraph (2) to read:

4 (2) After April 26, 1968, retire and who on the date of their retirement are currently  
5 enrolled in this group health plan as employees unless the employees meet the  
6 requirements in subsection 3-E;

7 **Sec. 2. 5 MRSA §285, sub-§1-A, ¶B**, as amended by PL 1997, c. 652, §2 and  
8 affected by §4, is further amended to read:

9 B. If retiring but not retiring on a disability retirement, have participated, as an  
10 employee, in the group health plan for at least one year immediately prior to retirement  
11 except as provided in subsection 3-E;

12 **Sec. 3. 5 MRSA §285, sub-§3-E** is enacted to read:

13 **3-E. Employees eligible for military health coverage may decline coverage and**  
14 **reenroll.** An employee eligible for a group health plan under subsection 1 may elect to  
15 decline or withdraw from coverage under the plan as long as the employee demonstrates  
16 that the employee is eligible for coverage under the Civilian Health and Medical Program  
17 for the Uniformed Services, known as TRICARE, and to reenroll in the plan at a later date  
18 pursuant to the provisions of this subsection.

19 A. The employee must demonstrate that the employee was covered under the Civilian  
20 Health and Medical Program for the Uniformed Services, known as TRICARE, for at  
21 least 18 months immediately prior to reenrollment.

22 B. Any conditions on eligibility or coverage under subsection 1-A, paragraph D or E  
23 continue to apply at the time of reenrollment.

24 C. The employee may reenroll in the same contract type in which the employee was  
25 enrolled at the time the employee declined or withdrew from coverage.

26 D. An election under this subsection, which may be made only once, must be made  
27 either:

28 (1) Upon the termination of eligibility for coverage under a federal military health  
29 insurance program; or

30 (2) At the time of retirement.

31 E. If a spouse or dependent of the employee was enrolled in the plan at the time the  
32 employee withdrew pursuant to this subsection, the spouse or dependent may reenroll  
33 if the spouse or dependent meets the 18-month coverage criteria set forth in paragraph  
34 A.

35 **SUMMARY**

36 This bill authorizes a person participating in the State's group health plan who becomes  
37 eligible for coverage through the federal military health insurance program to decline  
38 coverage and reenroll in coverage at a later date. The bill clarifies that the person remains  
39 eligible for coverage under the State's group health plan as a retiree and applies similar

1 conditions for reenrollment that currently apply to certain retirees eligible to reenroll in  
2 coverage.