

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 45 - L.D. 37

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

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

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

Whereas, it is necessary for this legislation to be enacted as soon as possible to provide sufficient time for such officers and firefighters to enroll prior to December 31, 2021; 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 §286-M, sub-§3, as amended by PL 2019, c. 446, §1, is further amended to read:

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

- A. The person must:
- (1) Be at least 50 years of age;
 - (2) Be a retired county or municipal law enforcement officer or a retired municipal firefighter;

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

(4) Receive or be eligible to receive:

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

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

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

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

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

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

D. An enrollee may participate in the group health insurance plan in which the enrollee's spouse participates if that plan is offered in this State or in another group health insurance plan that is offered in this State. An enrollee is responsible for the premium payment associated with the cost of the group health insurance plan in which the enrollee is participating, ~~to the extent such premium obligations exist following the application of any premium subsidy authorized by law.~~ An enrollee who fails to remit the premium payments as established and required by the group health insurance plan in which the enrollee is participating must be disenrolled from the program. The State shall provide a premium subsidy for each enrollee in the form of a direct payment to the ~~group health insurance plan in which the enrollee is participating~~ enrollee. Prior to July 1, 2021, the level of the premium subsidy must equal 45% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium

subsidy provided in accordance with paragraph A, whichever is less. Beginning July 1, 2021, the level of the premium subsidy must equal 55% of the individual premium cost for the enrollee or a dollar amount equivalent to the highest premium subsidy provided in accordance with paragraph A, whichever is less. Enrollees are responsible for the balance of the applicable individual premium, as well as the total cost of the premium for any applicable dependent coverage, and shall make payments directly to the group health insurance plan in which the enrollee is participating.

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

Sec. 7. Open enrollment. Notwithstanding the Maine Revised Statutes, Title 5, section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H, respectively, who is employed as a county or municipal law enforcement officer or a municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1 at any time during that period while employed as a county or municipal law enforcement officer or a municipal firefighter. ~~Such~~ Notwithstanding Title 5, section 286-M, subsection 5, paragraph D, such a person who enrolls in the program and is not otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that person's gross wages in each year of creditable service since that person's effective date of hire as a county or municipal law enforcement officer or a municipal firefighter ~~to that person's date of enrollment in the program or since January 1, 2007, whichever is later,~~ equal to ~~1.5% for the first 5 years 3%~~ until December 31, 2014 and 3% 1.5% for additional years.

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

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