

**§13451. Group accident and sickness or health insurance for retired teachers**

Group accident and sickness or health insurance must be available to retired and certain inactive teachers as defined in Title 5, section 17001, subsection 42, subject to the following. [PL 1997, c. 652, §3 (AMD); PL 1997, c. 652, §4 (AFF).]

**1. Access to a group plan.** The group accident and sickness and health insurance plan that is in effect for active teachers in a public school system or school unit must be made available to all teachers eligible under subsection 2 who retired under the Maine Public Employees Retirement System when they left that system or school unit or who terminated employment without retiring as provided in subsection 2-B. The rate for the insurance coverage must be the same as the rate provided for active teachers in that school system or school unit.

[PL 1997, c. 652, §3 (AMD); PL 1997, c. 652, §4 (AFF); PL 2007, c. 58, §3 (REV).]

**2. Eligible for membership prior to July 1, 2011; retired teacher members.** A retired teacher who receives a retirement benefit from and who became eligible for membership in the State Employee and Teacher Retirement System before July 1, 2011 is eligible for group accident and sickness or health insurance, as long as the retired teacher has a minimum of 5 years creditable service and also meets the eligibility requirements for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement or October 1, 1987, whichever comes last. Retired teachers may not be required to maintain a dues-paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

[PL 2011, c. 380, Pt. W, §1 (AMD); PL 2011, c. 380, Pt. W, §5 (AFF).]

**2-A. Access to group plan; retired teachers who serve as Legislators or are employed by the Legislature.** Any retired teacher eligible for group accident and sickness or health insurance under subsection 2, or terminated teacher who does not retire but who elects group accident and sickness or health insurance under subsection 2-B, who becomes a member of the Legislature or who becomes employed by the Legislature must be permitted to reenroll in the teachers' group plan within 90 days of the date the retired teacher ceases to be a Legislator or terminates employment with the Legislature. The retired or terminated teacher seeking to reenroll must show that continuous insurance coverage was maintained from at least one year immediately prior to retirement from the school district to within 90 days of the date of reenrollment.

[PL 2001, c. 559, Pt. QQ, §1 (AMD).]

**2-B. Eligibility; teachers who terminate employment but do not retire.** Any teacher who terminates employment but does not retire at that time, who has 25 years of creditable service under Title 5, chapter 423, subchapter IV and remains a member of the Maine Public Employees Retirement System after termination, who makes a one-time election to continue coverage from the date of termination until retirement and who pays the cost of the coverage plus the cost incurred by the association or organization offering the plan in administering coverage under the plan is eligible to participate in the teacher group plan. If a terminated teacher who elects coverage under this subsection fails to pay the cost of coverage and any administrative costs in the amount and manner determined by the division, the coverage may be cancelled in accordance with the requirements of Title 24 and Title 24-A. Regardless of election of coverage or cancellation of coverage under this paragraph, a teacher terminating employment as provided in this subsection may elect coverage upon retirement under subsection 2-C.

[PL 1997, c. 652, §3 (NEW); PL 1997, c. 652, §4 (AFF); PL 2007, c. 58, §3 (REV).]

**2-C. Eligibility; teachers who retire following break in employment.** A teacher who retires but who is not in service immediately prior to retirement and who has at least 25 years of creditable service under Title 5, chapter 423, subchapter 4 may make a one-time election at retirement to rejoin the teacher group plan. If previous service terminated due to the elimination of the teacher's position as a result of

closure of a school in School Administrative District Number 10 where the teacher was employed, the teacher may make one additional election to rejoin the plan, which election may be exercised at any time after retirement. Coverage of preexisting conditions upon rejoining the plan under this subsection is governed by Title 24-A, chapter 36. The payment provisions of subsection 3 apply to retirees exercising an option under this subsection.

[PL 2005, c. 666, §1 (AMD).]

**2-D. Eligible for membership on or after July 1, 2011; retired teacher members.** A retired teacher who receives a retirement benefit from and who became eligible for membership in the State Employee and Teacher Retirement System on or after July 1, 2011 is eligible for group accident and sickness or health insurance, as long as the retired teacher has a minimum of 10 years creditable service and also meets the eligibility requirement for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement. Retired teachers may not be required to maintain a dues-paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

[PL 2011, c. 380, Pt. W, §2 (NEW); PL 2011, c. 380, Pt. W, §5 (AFF).]

**3. Payment by State.** The State shall pay a percentage of the retired teacher members' share of this insurance according to the following schedule:

A. Thirty percent until July 1, 2002; [PL 2001, c. 559, Pt. N, §1 (NEW).]

B. Thirty-five percent from July 1, 2002 to July 31, 2003; [PL 2005, c. 12, Pt. X, §1 (AMD).]

C. Forty percent from August 1, 2003 to December 31, 2005; [PL 2021, c. 483, Pt. NN, §1 (AMD).]

D. Forty-five percent from January 1, 2006 to June 30, 2021; [PL 2023, c. 412, Pt. OOOOO, §1 (AMD).]

E. Fifty-five percent from July 1, 2021 to June 30, 2023; and [PL 2023, c. 412, Pt. OOOOO, §2 (AMD).]

F. Sixty percent after July 1, 2023. [PL 2023, c. 412, Pt. OOOOO, §3 (NEW).]

Except for individuals who are receiving or who have received retirement benefits under Title 5, section 17907 or 17929, for a teacher who retires after July 1, 2012, the State shall begin paying the percentage of the retired teacher member's share pursuant to this subsection when the retiree reaches normal retirement age.

A provider of a health insurance benefit plan for retired teachers must make available data related to the provider's premium costs and any related data as requested by the Executive Director of Employee Health and Wellness within the Department of Administrative and Financial Services.

[PL 2023, c. 412, Pt. OOOOO, §§1-3 (AMD).]

**3-A. School units that change plans.** If a school unit changes its group health insurance plan or provider, the school unit at the time that it transfers active teachers to the new plan or provider shall also transfer all retired teachers, and terminated teachers who do not retire and who elect coverage under the teacher group plan under subsection 2-B, from that school unit to the new plan or provider and shall inform each retired and terminated teacher in writing that, unless the school receives written notice from an individual retired or terminated teacher to the contrary, each retired or terminated teacher will be transferred automatically to the new plan or provider. The school unit shall also provide each retired or terminated teacher a description of the benefits and costs of the new plan or provider. A retired or terminated teacher may decline to participate with the new plan or provider upon written notice to the school unit. If any retired or terminated teacher so elects, there is no obligation or responsibility on the part of the replaced group plan or provider beyond conversion or continuity options provided for in Title 24, chapter 19 or Title 24-A, chapters 35 and 36. If any retired or

terminated teacher declines to participate with the new plan or provider, there is no obligation or responsibility on the part of the replaced group plan or provider.

[PL 1997, c. 652, §3 (AMD); PL 1997, c. 652, §4 (AFF).]

### **3-B. Plan experience.**

[PL 2005, c. 457, Pt. UU, §1 (RP).]

**4. Master policy certificates.** The insurance company or companies or nonprofit organizations, or both, shall furnish the usual master policy and certificates. The original master policy and certificate must be held by the organization offering the insurance plan and the Commissioner of Administrative and Financial Services shall hold a certified copy. Each insured retired or terminated teacher-member must receive a certificate setting forth the benefits to which entitled, to whom payable, to whom claims must be submitted and summarizing the provisions of the policy principally affecting the retired or terminated teacher-member.

[PL 1997, c. 652, §3 (AMD); PL 1997, c. 652, §4 (AFF).]

### **5. Payment by State.**

[PL 1991, c. 447, §4 (RP).]

## **SECTION HISTORY**

PL 1987, c. 450, §§2,3 (NEW). PL 1987, c. 816, §KK17 (AMD). PL 1989, c. 501, §P23 (AMD). PL 1989, c. 875, §§E25,26 (AMD). PL 1989, c. 878, §A46 (RPR). PL 1991, c. 447, §§1-4 (AMD). PL 1991, c. 780, §Y118 (AMD). PL 1993, c. 43, §1 (AMD). PL 1995, c. 368, §G14 (AMD). PL 1997, c. 643, §OO1 (AMD). PL 1997, c. 643, §OO3 (AFF). PL 1997, c. 652, §3 (AMD). PL 1997, c. 652, §4 (AFF). PL 2001, c. 439, §§PP1,2 (AMD). PL 2001, c. 559, §§N1,QQ1 (AMD). PL 2001, c. 714, §EE1 (AMD). PL 2003, c. 20, §C1 (AMD). PL 2003, c. 451, §OO1 (AMD). PL 2005, c. 12, §§X1-3 (AMD). PL 2005, c. 457, §§TT1,2,UU1 (AMD). PL 2005, c. 666, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2011, c. 380, Pt. W, §§1-3 (AMD). PL 2011, c. 380, Pt. W, §5 (AFF). PL 2011, c. 540, §2 (AMD). PL 2011, c. 540, §3 (AFF). PL 2013, c. 368, Pt. H, §3 (AMD). PL 2021, c. 312, §7 (AMD). PL 2021, c. 483, Pt. NN, §1 (AMD). PL 2023, c. 412, Pt. OOOOO, §§1-3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.