
Chap. 374

to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit.

Approved November 7, 2008.

Chapter 375. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CLAIRE SMALLCOMB, AN EMPLOYEE OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith establish a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule, or regulation to the contrary, the trial court shall establish a sick leave bank for Claire Smallcomb, an employee of the Suffolk superior court. An employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Claire Smallcomb. Whenever Claire Smallcomb terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the trial court paid leave bank. Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.

Approved November 7, 2008.

Chapter 376. AN ACT RELATIVE TO CONSUMER PROTECTION IN LIFE INSURANCE CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by striking out section 186, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 186. (a) No oral or written misrepresentation or warranty made in the negotiation of a policy of insurance by the insured or in his behalf shall be deemed material or defeat or avoid the policy or prevent its attaching unless such misrepresentation or warranty is made with actual intent to deceive, or unless the matter misrepresented or made a warranty increased the risk of loss.

(b) No oral or written misrepresentation or warranty as to the physical condition or health risks to the physical condition of the insured made in the negotiation of any policy of life or endowment insurance or annuity contract by the insured or on his behalf shall defeat or avoid the policy or prevent its attaching unless such misrepresentation or warranty is material and is made with actual intent to deceive or increased the risk of loss. For the purposes of this paragraph, a misrepresentation or warranty shall be deemed material if knowledge or ignorance of it would otherwise have influenced the insurer in making the contract at all, or in estimating the degree and character of the risk, or in fixing the rate of the premium.

SECTION 2. Section 186A of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- In any court action based on a life insurance policy in which the good health of the insured at the time the policy becomes effective is at issue, there shall be a presumption that the insured was in good health if the insurer delivered the policy.

Approved November 7, 2008.

Chapter 377. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2009 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to make forthwith supplemental appropriations for fiscal year 2009 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 22C of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 29, the words “as of June thirtieth, two thousand and 23” and inserting in place thereof the following words:- on June 30, 2025.

SECTION 2. The second sentence of subsection (e) of section 19 of chapter 32B of the General Laws, as appearing in section 4 of chapter 67 of the acts of 2007, is hereby amended by striking out the word “October” and inserting in place thereof the following word:- December.

SECTION 2A. Said second sentence of said subsection (e) of said section 19 of said chapter 32B is hereby further amended by striking out the word “December”, inserted by section 2, and inserting in place thereof the following word:- October.