

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

progress. To the extent that federal funding requirements allow, the grant program funds may include funding for the department to administer the grant program, to provide technical assistance to school administrative units and to pay for an independent evaluation of the alternative compensation models that are developed. School administrative units must be encouraged to experiment with any number of alternative compensation models. Any alternative compensation plans developed by a school administrative unit must be approved by the participating local bargaining units consistent with the Maine Revised Statutes, Title 26, chapter 9-A and related rules pertaining to collective bargaining for teachers employed by school administrative units; and be it further

Sec. 4. Grant program evaluation. Resolved: That the Department of Education shall submit annual reports to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2011 and January 15, 2012 describing the progress of the school administrative units participating in the alternative compensation grant program under section 2 and report the results of any independent analysis conducted on the effects of alternative compensation systems, including but not limited to student outcomes, teacher recruitment and retention. The department shall seek outside funding and technical support for use in the development, implementation and evaluation of any alternative compensation models developed through the alternative compensation grant program.

See title page for effective date.

CHAPTER 110
H.P. 989 - L.D. 1413

**Resolve, To Implement Select
Recommendations of the Joint
Select Committee on Future
Maine Prosperity**

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

Whereas, the Joint Select Committee on Future Maine Prosperity issued its final report in January 2008; and

Whereas, the committee's report recommended a wide variety of strategies and actions designed to improve the State's economy and support greater prosperity for all citizens of the State; and

Whereas, the committee's report specifically called for an improved business climate in the State; and

Whereas, the committee's report acknowledged that it was critical that state agencies work to improve relationships with the business community and eliminate adversarial relationships; and

Whereas, the committee's report specifically recommended that the Governor direct all state agencies to reinvent themselves and how they interact with businesses in the State in order to provide a consistent, efficient and effective regulatory environment; and

Whereas, the committee's report called for regulatory reform that achieves goals in a manner that minimizes unnecessary and unproductive conflicts and redundancies for the regulated community; and

Whereas, this resolve needs to take effect before the expiration of the 90-day period in order for the report required in this legislation to be completed in a timely fashion; 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

Sec. 1. Maine Regulatory Fairness Board to identify regulatory burdens and find efficiencies. Resolved: That the Maine Regulatory Fairness Board, established in the Maine Revised Statutes, Title 5, section 57, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, shall review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. The Maine Regulatory Fairness Board shall use the process for accepting public input through public meetings across the State currently required pursuant to Title 5, section 57 to assist in the identification of regulatory burdens; and be it further

Sec. 2. Report. Resolved: That, no later than February 15, 2010, the Maine Regulatory Fairness Board shall provide a briefing regarding the work performed to date pursuant to section 1 to the Joint Standing Committee on Business, Research and Economic Development and that same committee is authorized to introduce a bill related to the subject matter of section

1 to the Second Regular Session of the 124th Legislature. No later than January 15, 2011, the board shall also provide a written report that includes its findings and recommendations pursuant to section 1, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

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

Effective June 9, 2009.

CHAPTER 111
S.P. 515 - L.D. 1431

Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets

Sec. 1. Design of unified pension and benefit plan for all state employees and teachers who are first employed with the State after December 31, 2010. Resolved: That the task force established in subsection 2 shall design a unified pension and benefit plan, referred to in this resolve as "the plan," to apply to all state employees and teachers who are first hired after December 31, 2010 with no prior creditable service. The task force must be staffed within existing resources of the Maine Public Employees Retirement System and the State Employee Health Commission.

1. Definitions. For purposes of this resolve, the following terms have the following meanings.

A. "Member" means teachers and state employees first hired after December 31, 2010 with no prior creditable service.

B. "State employee" means:

- (1) Employees as defined in the Maine Revised Statutes, Title 5, section 17001, subsection 40;
- (2) Judges entitled to retirement benefits under Title 4, chapter 27 or 29;
- (3) Members of the State Police; and
- (4) Legislators entitled to retirement benefits under Title 3, chapter 29.

C. "Teacher" has the same meaning as in Title 5, section 17001, subsection 42.

2. Task force established. A task force to reform public retirement benefits and eliminate social security offsets is established. The task force is composed of:

A. The Chair of the Board of Trustees of the Maine Public Employees Retirement System, who serves as the task force chair;

B. The Commissioner of Administrative and Financial Services, or a designee of the commissioner;

C. The Executive Director of the State Employee Health Commission;

D. The State Controller;

E. An employee member of the Board of Trustees of the Maine Public Employees Retirement System, appointed by the board;

F. An employee member of the State Employee Health Commission, appointed by the State Employee Health Commission;

G. A member appointed by the Maine Education Association; and

H. A member appointed by the Maine School Management Association.

3. Health plan. The task force shall design the health plan component of the plan in accordance with this subsection and may propose additional variations on the plan.

A. All active members of the plan and their dependents must be entitled to membership in the health plan. Assessments for coverage under the health plan must be imposed and budgeted in accordance with Title 5, section 286-A and Title 20-A, section 13451. The proportion of the assessment paid on behalf of members by their employers must be in accordance with the law existing on the effective date of this resolve or in accordance with applicable collective bargaining agreements.

B. Every active member of the plan and the spouse and dependents of each such member may continue coverage under the health plan in retirement if criteria for eligibility are met as prescribed in Title 5, section 285, subsection 1-A and Title 20-A, section 13451. The task force may recommend changes in eligibility criteria.

C. The health plan premium for any eligible retired member and any covered spouse or dependent of the member must be paid from the Bureau of Human Resources' State Employee Health Dedicated Revenue Account established in Title 5, section 286-A. Each retired member must be entitled to 3% of the premium for each year of creditable service up to a maximum of 100% of the total premium. For a covered spouse or dependent, the subsidy is 1.5% of the premium for each year of the member's creditable service up to a maximum of 50% of the premium.