

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

participates in an extracurricular or cocurricular activity at a noncharter public school, the public charter school must pay a reasonable share of the noncharter public school's costs for the activity, as determined through negotiations between the schools involved.

See title page for effective date.

**CHAPTER 602**

**H.P. 1297 - L.D. 1806**

**An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System**

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

**PART A**

**Sec. A-1. 5 MRSA §17152, first ¶,** as amended by PL 1995, c. 368, Pt. G, §6, is further amended to read:

The board may combine the assets of the State Employee and Teacher Retirement Program with the assets of other programs of the retirement system for investment purposes. The assets of the State Employee and Teacher Retirement Program may not be combined with the assets of another program for benefit purposes or for administrative expenses. All of the assets of the retirement system must be credited according to the purpose for which they are held among the several funds created by this section, namely:

**PART B**

**Sec. B-1. 5 MRSA §18312** is enacted to read:  
**§18312. Emergency medical services persons**

**1. Contribution rate.** Except as provided in subsections 2 and 3, an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, employed by a participating local district that provides a special retirement benefit under section 18453, subsection 4 or 5 shall contribute to the Participating Local District Retirement Program or must have pick-up contributions made by the employer at a rate of 8% of earnable compensation as long as the person is employed as an emergency medical services person.

**2. Exception.** A participating local district may elect to reduce the rate of contribution set out in subsection 1 to 6.5% of earnable compensation for all emergency medical services persons who continue

employment after attaining eligibility for retirement during the remainder of their employment as emergency medical services persons.

**3. Member contributions to Participating Local District Consolidated Retirement Plan.** The board may establish by rule the rate at which emergency medical services persons who participate in the consolidated plan described in chapter 427 contribute to that plan. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

**Sec. B-2. 5 MRSA §18453, sub-§2,** as amended by PL 2001, c. 368, §1, is further amended to read:

**2. Employee Special Plan #2.** A retirement benefit to police officers, firefighters, sheriffs, full-time deputy sheriffs, county corrections employees, emergency medical services persons as defined in Title 32, section 83, subsection 12, including but not limited to first responders, emergency medical technicians, advanced emergency medical technicians and paramedics, or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits must be computed as follows:

- A. Except as provided in paragraph B, 1/2 of the member's average final compensation; or
- B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current annual salary on the date of retirement or current final compensation, whichever is greater, and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. B-3. 5 MRSA §18453, sub-§3,** as amended by PL 1985, c. 801, §§5 and 7, is amended to read:

**3. Firefighter and Emergency Medical Services Person Special Plan #1.** A retirement benefit equal to 1/2 of ~~his~~ the member's average final compensation to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55.

**Sec. B-4. 5 MRSA §18453, sub-§4,** as amended by PL 1993, c. 387, Pt. A, §22, is further amended to read:

**4. Firefighter and Emergency Medical Services Person Special Plan #2.** A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. The benefits shall be computed as follows:

A. Except as provided in paragraph B, 2/3 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

**Sec. B-5. 5 MRSA §18453, sub-§5,** as amended by PL 1993, c. 387, Pt. A, §23, is further amended to read:

**5. Firefighter and Emergency Medical Services Person Special Plan #3.** A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district and who retires at any age. The benefits shall be computed as follows:

A. Except as provided under paragraph B, 2/3 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

### PART C

**Sec. C-1. Establishment of a task force.** By September 1, 2014 the Executive Director of the Maine Public Employees Retirement System shall establish a task force, referred to in this section as "the task force," to further the system's work on corporate

governance by completing an environmental, social and governance policy that includes, without limitation, securities and manager selections; monitoring and proxy voting; company engagement; and environmental, social and governance policies within investment policy for recommendation to, and consideration for approval by, the Board of Trustees of the Maine Public Employees Retirement System. The task force shall submit the recommended policy to the Board of Trustees of the Maine Public Employees Retirement System by December 1, 2014.

**1. Task force membership.** The task force must be composed of experts in the field of environmental, social and governance policy who do not have an actual, potential or apparent self-interest in the policy outcome. Members of the task force must collectively possess experience with creating investment policies that support the investment goals of public pension funds; an understanding of environmental, social and governance policy issues as they affect different components of the investment process, including, but not limited to, securities and manager selections, monitoring and proxy voting and company engagement; practical knowledge or experience implementing environmental, social and governance policies within investment policy; and an understanding of the fiduciary duties of public pension trustees. The task force must be composed of 7 members, with a majority of members residing in the State, and must include:

A. The Executive Director of the Maine Public Employees Retirement System, who serves as chair of the task force;

B. The chief investment officer of the Maine Public Employees Retirement System;

C. A member from the academic community with expertise in environmental, social and governance policies;

D. A member with a background in public pension, foundation or endowment administration and experience in implementing environmental, social and governance policies;

E. A member from a national organization representing institutional investors and pension funds; and

F. Two members chosen by the members of the task force named under paragraphs A to E.

**2. Stakeholder involvement.** The task force shall actively solicit stakeholder advisors to provide information relevant to environmental, social and governance policy issues and stakeholder interests and other technical information as required.

**3. Staff assistance.** The Maine Public Employees Retirement System within existing resources shall provide necessary staffing services to the task force.

**4. Report.** By January 15, 2015, the Executive Director of the Maine Public Employees Retirement System shall submit to the joint standing committee of the Legislature having jurisdiction over public employee retirement matters a report on the task force's recommendations to, and any resulting actions taken by, the Board of Trustees of the Maine Public Employees Retirement System.

See title page for effective date.

**CHAPTER 603**

**H.P. 1172 - L.D. 1600**

**An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability**

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

**Sec. 1. 24-A MRSA §4320-I** is enacted to read:

**§4320-I. Coverage for the cost of testing for bone marrow donation suitability**

**1. Required coverage.** A carrier offering a health plan in this State shall provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability in accordance with the following requirements:

A. The enrollee covered under the health plan must meet the criteria for testing established by the National Marrow Donor Program, or its successor organization;

B. The testing must be performed in a facility that is accredited by a national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is certified under the federal Clinical Laboratories Improvement Act of 1967, 42 United States Code, Section 263a;

C. At the time of the testing, the enrollee covered under the health plan must complete and sign an informed consent form that authorizes the results of the test to be used for participation in the National Marrow Donor Program, or its successor organization, and acknowledges a willingness to be a bone marrow donor if a suitable match is found; and

D. The carrier may limit each enrollee to one test per lifetime.

**2. Prohibition on cost-sharing.** A carrier may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for the coverage required under this section.

**Sec. 2. Application.** The requirements of this Act apply to all policies, contracts and certificates subject to this Act that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 604**

**H.P. 1237 - L.D. 1729**

**An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence**

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

**Sec. 1. 29-A MRSA §2402, first ¶,** as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date of the docket entry of conviction the sentence is imposed is 10 years or less from the date of the new conduct.

**Sec. 2. 29-A MRSA §2411, sub-§1-A, ¶D,** as amended by PL 2011, c. 159, §1, is further amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, subsection 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a