

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

meet the current and future needs of veterans in the State; and be it further

Sec. 3. Participants. Resolved: That the Department of Transportation shall invite the participation of various stakeholders in the study and in the development of the pilot project, including, but not limited to, the Public Transit Advisory Council, established in the Maine Revised Statutes, Title 23, section 4209-A; and be it further

Sec. 4. Reports. Resolved: That by February 1, 2017 the Department of Transportation shall submit an initial written report on the progress of the study and by January 15, 2018 the Department of Transportation shall submit a final written report, including findings and recommendations, to the joint standing committees of the Legislature having jurisdiction over transportation, health and human services and labor matters and veterans and legal affairs. The joint standing committees may each submit a bill to the Second Regular Session of the 128th Legislature relating to the subject matter of the final report; and be it further

Sec. 5. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal - Transit 0443**

Initiative: Provides one-time funding to conduct a study regarding the availability of transportation services to veterans.

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$40,000
FEDERAL EXPENDITURES	\$0	\$40,000
FUND TOTAL		

See title page for effective date.

**CHAPTER 78
H.P. 1144 - L.D. 1677**

**Resolve, Directing the
Department of Administrative
and Financial Services and the
Maine Public Employees
Retirement System To Identify
Retirees Whose Retirement
Benefit Calculations Were
Adversely Affected by Certain
Pay Freezes and To Calculate
Costs Associated with
Authorizing Those Retirees To
Include Such Lost Wages in
Retirement Benefit
Calculations**

Preamble. Whereas, the law governing the calculation of member retirement benefits was amended by Public Law 2015, chapter 267, Part CCCC, section 1 and chapter 385 to allow members of the Maine Public Employees Retirement System who retired on or after July 1, 2015 to pay the necessary member contributions to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes; and

Whereas, equity requires that the law be similarly amended to allow members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to pay the necessary member contributions to include in their retirement benefit calculations wages lost due to such pay freezes; and

Whereas, in order to rectify the situation, it is necessary first to determine the population of retirees who are potentially affected by this inequity, and then to calculate the costs associated with expanding the universe of retirees who are permitted to elect to contribute the necessary member contributions to include in their retirement benefit calculations wages lost due to such pay freezes; now, therefore, be it

Sec. 1. Identification of members. Resolved: That the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall work together to identify retirees who retired prior to July 1, 2015 and whose retirement benefit calculations were adversely affected by merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13; and be it further

Sec. 2. Calculation of costs. Resolved: That the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall work together to calculate the projected costs associated with authorizing members of the Maine Public Employees Retirement System who re-

tired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13; and be it further

Sec. 3. Report. Resolved: That, no later than January 12, 2017, the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall report their findings pursuant to sections 1 and 2 to the joint standing committee of the Legislature having jurisdiction over retirement matters. The joint standing committee of the Legislature having jurisdiction over retirement matters may report out to the First Regular Session of the 128th Legislature a bill to authorize members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13.

See title page for effective date.

CHAPTER 79

H.P. 1135 - L.D. 1665

Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of

the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made.

1. The rule must be amended in section 3, subsection 1, paragraph G to clarify that the Maine Health Data Organization data may not be used to individually identify any patient receiving mental health services including treatment from licensed psychiatric inpatient treatment facilities.

2. The rule in section 3, subsection 1, paragraph H must be amended to provide a reference to 42 Code of Federal Regulations, Section 2.13 instead of to Section 290dd-2.

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

Effective April 16, 2016.

CHAPTER 80

S.P. 585 - L.D. 1523

Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel

Sec. 1. Adjustment of salary schedules for certain law enforcement position classifications in fiscal year 2016-17. Resolved: That, notwithstanding any other provision of law, effective for the first pay period commencing on or after July 1, 2016, the salary schedules for the positions specified in this section in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that are included in the Maine State Police bargaining unit, the law enforcement bargaining unit or the supervisory services bargaining unit must be adjusted upward by the percentages indicated in this section.

1. Twelve percent increase. The salary schedules must be adjusted upward by 12% for all positions classified as Game Warden Sergeant, Game Warden Lieutenant, Marine Patrol Pilot Supervisor, Marine Patrol Sergeant or Marine Patrol Lieutenant.

2. Thirteen percent increase. The salary schedules must be adjusted upward by 13% for all positions classified as State Police Trooper, Game Warden Investigator, Game Warden Specialist, Capitol Police Officer or Fire Investigator.