

MAINE STATE LEGISLATURE

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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

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.

3. Fourteen percent increase. The salary schedules must be adjusted upward by 14% for all positions classified as Game Warden Pilot Supervisor.

4. Fifteen percent increase. The salary schedules must be adjusted upward by 15% for all positions classified as State Police Specialist, State Police Corporal, State Police Detective, State Police Polygraph Examiner, State Police Forensic Specialist, State Police Pilot, State Police Pilot Supervisor, State Police Polygraph Examiner Supervisor, State Police Sergeant-E, Game Warden, Marine Patrol Officer, Capitol Police Sergeant, Senior Fire Investigator, Fire Investigations Sergeant or Forensic Specialist, Dual Discipline.

5. Seventeen percent increase. The salary schedules must be adjusted upward by 17% for all positions classified as Game Warden Pilot.

6. Eighteen percent increase. The salary schedules must be adjusted upward by 18% for all positions classified as State Police Lieutenant, Capitol Police Lieutenant or Marine Patrol Specialist; and be it further

Sec. 2. Salary schedule for law enforcement supervisors changed. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall amend by August 1, 2016 its rules regarding compensation to ensure that the fixed salary schedule for positions classified as law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority is increased by 5%, effective for the first pay period commencing on or after July 1, 2016; and be it further

Sec. 3. Salary schedule for senior motor vehicle detectives changed. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall amend by August 1, 2016 its rules regarding compensation to ensure that the fixed salary schedule for positions classified as senior motor vehicle detectives within the Department of the Secretary of State is increased by 5%, effective for the first pay period commencing on or after July 1, 2016; and be it further

Sec. 4. Certain law enforcement confidential positions; similar and equitable treatment. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall adjust upward the salary schedules for those law enforcement confidential positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that the bureau determines to be similar to the law enforcement positions listed in section 1. The salary schedules must be adjusted consistently with the salary adjustment for the law enforcement positions listed in section 1. For the purposes of this section, "confiden-

tial position" means a position within the executive branch that is a position excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, including a probationary employee in such an excluded position; and be it further

Sec. 5. Positions subject to adjustment or approval by the Governor. Resolved: That the Governor may adjust in a manner consistent with the salary adjustment for the law enforcement positions listed in section 1 the salary schedules for unclassified law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources whose salaries are subject to the Governor's adjustment or approval; and be it further

Sec. 6. Transfer from Salary Plan program and special account funding. Resolved: That the funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the economic items contained in this resolve and in Public Law 2015, chapter 376 in fiscal year 2016-17. Positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources. Transfers from the Salary Plan program pursuant to this resolve may not exceed \$6,347,655 in fiscal year 2016-17.

See title page for effective date.

CHAPTER 81

S.P. 569 - L.D. 1471

**Resolve, To Facilitate the
Distribution of Food Harvested
in Maine to Residents with
Food Insecurity**

Sec. 1. Finance Authority of Maine to select entity to provide food harvested in the State to residents with food insecurity and to administer funds. Resolved: That the Finance Authority of Maine, through the request for proposal process, shall select and contract with an appropriate statewide entity to purchase, process, store and transport fresh and fresh frozen fruits and vegetables and seafood harvested in the State in order to increase access to fresh and fresh frozen fruit and vegetables and seafood to residents of the State with food insecurity. When selecting the entity, the authority shall consult with and accept assistance from experts in the areas of agriculture, food security and public health. The entity selected must be qualified in the safe handling of food products by adhering to all local, state and federal food