

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

with collective bargaining agreements for state employees.

Sec. 9. Transfer from Salary Plan program and special account funding. The Salary Plan program, General Fund account in the Department of Administrative and Financial Services may be made available 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 implementation of the collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal years 2017-18 and 2018-19. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

Sec. 10. Transfer of Personal Services allocations between programs and departments. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the Highway Fund for Personal Services in fiscal year 2017-18 and fiscal year 2018-19 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Sec. 11. Authorization for reimbursement of costs associated with contract resolution. The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and negotiation procedures.

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

Effective July 24, 2017.

CHAPTER 294

H.P. 597 - L.D. 848

An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of

all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 39-A MRSA §201, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed.

Sec. 2. 39-A MRSA §201, sub-§3-A is enacted to read:

3-A. Mental injury caused by mental stress. Mental injury resulting from work-related stress does not arise out of and in the course of employment unless:

A. It is demonstrated by clear and convincing evidence that:

(1) The work stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee; and

(2) The work stress, and not some other source of stress, was the predominant cause of the mental injury.

The amount of work stress must be measured by objective standards and actual events rather than any misperceptions by the employee; or

B. The employee is a law enforcement officer, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1.

By January 1, 2022, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters that includes an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivi-

sions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.

This paragraph is repealed October 1, 2022.

A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action, taken in good faith by the employer.

See title page for effective date.

CHAPTER 295

H.P. 915 - L.D. 1318

An Act To Align State Relocation Assistance with That of the Federal Government and Make Technical Changes to Recently Enacted Laws

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

Sec. 1. 23 MRSA §244, sub-§1, ¶D, as amended by PL 2005, c. 642, §2, is further amended to read:

D. Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization or small business at its new site, in accordance with criteria to be established by the department, but not to exceed \$20,000 the amount allowed under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended.

Sec. 2. 23 MRSA §244-A, sub-§1, as amended by PL 1989, c. 208, §§13 and 21, is further amended to read:

1. Owner. In addition to payments otherwise authorized, the department shall make an additional payment not in excess of \$22,500 the amount allowed under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 90 days prior to the initiation of negotiations for the acquisition of the property. The additional payment shall must include the following elements:

A. The amount, if any, which that when added to the acquisition cost of the dwelling acquired by the department equals the reasonable cost of a comparable replacement dwelling. All determinations required to carry out this paragraph shall must be made in accordance with standards established by the department;

B. The amount, if any, which that will compensate the displaced person for any increased interest costs and other debt service costs which that person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount shall may be paid only if the dwelling acquired by the department was encumbered by a bona fide mortgage which that was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling. In calculating the amount to be paid under this section, increased interest costs and other debt service costs shall must be reduced to discounted present value. The payment shall must be an amount which that will reduce the mortgage balance on the replacement dwelling to an amount which that could be amortized with the same monthly payment for principal and interest as that for the mortgage on the displaced dwelling; and

C. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

Sec. 3. 23 MRSA §244-B, sub-§1, as amended by PL 1989, c. 208, §§15 and 21, is further amended to read:

1. Lease or rent. The amount necessary to enable the displaced person to lease or rent for a period not to exceed 42 months; a comparable replacement dwelling, but not to exceed \$5,250 the amount allowed under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended. At the discretion of the department, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall must take into account the person's income; or

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Deallocates funds provided in Public Law 2017, chapter 283, Part A for the annual maintenance