

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

GENERAL FUND	2017-18	2018-19
Personal Services	(\$11,657)	(\$46,626)
GENERAL FUND TOTAL	(\$11,657)	(\$46,626)
HIGHWAY FUND	2017-18	2018-19
All Other	(\$6,275)	(\$25,101)
HIGHWAY FUND TOTAL	(\$6,275)	(\$25,101)
OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$17,932	\$71,727
OTHER SPECIAL REVENUE FUNDS TOTAL	\$17,932	\$71,727

State Police 0291

Initiative: Eliminates one Office Assistant II position.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$8,829)	(\$35,315)
GENERAL FUND TOTAL	(\$8,829)	(\$35,315)
HIGHWAY FUND	2017-18	2018-19
Personal Services	(\$4,754)	(\$19,016)
HIGHWAY FUND TOTAL	(\$4,754)	(\$19,016)
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	(\$26,102)	(\$107,267)
HIGHWAY FUND	(\$3,037)	(\$12,149)
OTHER SPECIAL REVENUE FUNDS	\$41,001	\$164,002
DEPARTMENT TOTAL - ALL FUNDS	\$11,862	\$44,586

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect April 1, 2018.

Effective April 12, 2018.

**CHAPTER 384
H.P. 365 - L.D. 521**

An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs

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

Sec. 1. 5 MRSA §17924, sub-§3 is enacted to read:

3. Qualification of a disabled veteran. Subject to the provisions in subsections 1 and 2, if a member applying for a disability retirement benefit is receiving disability compensation from the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability pursuant to 38 Code of Federal Regulations, Section 4.16, it is presumed that the member is disabled under section 17921, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs in making the individual unemployability determination. Notwithstanding section 17922, this subsection applies to any application for a disability retirement benefit made by a member on or after October 1, 2018.

Sec. 2. 5 MRSA §18524, sub-§3 is enacted to read:

3. Qualification of a disabled veteran. Subject to the provisions in subsections 1 and 2, if a member applying for a disability retirement benefit is receiving disability compensation from the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability pursuant to 38 Code of Federal Regulations, Section 4.16, it is presumed that the member is disabled under section 18521, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans

Affairs in making the individual unemployability determination. Notwithstanding section 18522, this subsection applies to any application for a disability retirement benefit made by a member on or after October 1, 2018.

See title page for effective date.

CHAPTER 385

H.P. 37 - L.D. 51

**An Act To Amend the Process
for a Single Municipality To
Withdraw from a Regional
School Unit**

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

Sec. 1. 20-A MRSA §1466, sub-§4, ¶A, as enacted by PL 2009, c. 580, §9, is amended to read:

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a withdrawal committee as follows: one member from the municipal officers, one member from the general public and one member from the group filing the petition. The commissioner shall also direct the directors of the regional school unit board representing the petitioning municipality to select one member of the regional school unit board who represents that municipality to serve on the withdrawal committee. The municipal officer and the member of the regional school unit board serve on the withdrawal committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and the regional school unit board. The chair of the regional school unit board shall call a meeting of the withdrawal committee within 30 days of the notice of the vote in subsection 3. The chair of the regional school unit board shall open the meeting by presiding over the election of a chair of the withdrawal committee. The responsibility for the preparation of the agreement rests with the withdrawal committee, subject to the approval of the commissioner. The withdrawal committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the withdrawal committee is formed. Extensions of time may be granted by the commissioner upon the request of the withdrawal committee.

(1) The agreement must contain provisions to provide educational services for all students of the petitioning municipality within the re-

gional school unit. The agreement must provide that during the first year following the withdrawal students may attend the school they would have attended if the petitioning municipality had not withdrawn. The allowable tuition rate for students sent from one municipality to another in the former regional school unit must be determined under section 5805, subsection 1, except that it is not subject to the state per pupil average limitation in section 5805, subsection 2.

(2) The agreement must establish that the withdrawal takes effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the withdrawal will not cause a need within 5 years from the effective date of withdrawal for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the withdrawal or when a need for school construction would have arisen even if the municipality had not withdrawn.

(4) The agreement must establish how transportation services will be provided.

(5) The agreement must provide for administration of the new administrative unit, which should not include the creation of new supervisory units if at all possible.

(6) The agreement must make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of withdrawal.

(7) The agreement must provide appropriately for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the continuation and assignment of collective bargaining agreements as they apply to the new or reorganized regional school unit for the duration of those agreements and must provide for the continuation of representational rights.

(9) The agreement must provide for the continuation of continuing contract rights under section 13201.

(10) The agreement must provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing