

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

the Governor and state departments in formulating policies and programs to achieve identified goals;

C. Participate with other states or their subdivisions in interstate policy planning and provide guidance to other state or local governments to assist their policy planning;

D. Assist the State in applying for, using and leveraging federal and private grant-making sources on issues of importance to the State; and

E. Act as a coordinating agency among departments and agencies of State Government on issues requiring multiple departments or agencies to work together to develop strategies to respond to state challenges.

Sec. 6. 5 MRSA §3106, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

§3106. Contracts; agreements

With the consent of the Governor the office may employ expert and professional consultants, contract for services as the director determines necessary, within the limits of the funds provided and consistent with the powers and duties of the office, and enter into agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

Sec. 7. 5 MRSA §3107, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

§3107. Governmental cooperation; temporary reassignment of governmental employees

Any department, agency, authority, board, commission or other instrumentality of the State or other governmental unit may assist in the gathering of information, reports and data that relate to state policy planning and development. Upon request by the director, the Governor may assign to the office on a temporary basis personnel from any other state department or agency needed for a project assigned to the office.

Sec. 8. 5 MRSA §3108, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed.

Sec. 9. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, chapter 310, in the chapter headnote, the words "Governor's Office of Policy and Management" are amended to read "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 10. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Governor's Office of Policy and

Management" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 384
H.P. 1193 - L.D. 1667

**An Act To Amend the Laws
Governing the State
Compensation Commission**

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 Governor's current annual salary was established in 1987 and is the lowest in the nation; and

Whereas, the current annual salary of members of the Legislature was established in 1999 with an annual cost-of-living increase not to exceed 3% per year; and

Whereas, the State Compensation Commission, established in the Maine Revised Statutes, Title 3, chapter 1, is charged to review and make recommendations on compensation for all constitutional officers on an ongoing basis; and

Whereas, the State Compensation Commission must complete its work, including producing a report and holding a public hearing, by January 15, 2020; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §2-B, sub-§2, as amended by PL 2017, c. 242, §2, is further amended to read:

2. Duties of commission. No later than ~~May 1st of every odd numbered year~~ and January 15th of every even-numbered year the commission shall submit to the Legislature ~~an interim report of the commission, and no later than November 15th of every even-numbered year the commission shall submit to the Legislature~~ and the joint standing committee of the Legislature having jurisdiction over state and local government matters a final report of the commission.

In the ~~3rd~~ last year of each gubernatorial term of office, the ~~interim~~ report must contain a recommendation for compensation of the Governor as established in Title 2, section 1. A report under this subsection must contain:

- A. A description of the commission's activities;
- B. The recommendations of the commission:
 - (1-A) For the report required in the ~~3rd~~ last year of a gubernatorial term, for compensation for the Governor, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances;
 - (1-B) For compensation for justices and judges, including all payments for salaries, meals, housing, travel, mileage and all other expenses and allowances, and for additional services by any justice or judge. Nothing in this subparagraph prevents the judicial branch from making recommendations to the Governor or Legislature for compensation for justices and judges, including, but not limited to, recommendations made by the Chief Justice of the Supreme Judicial Court in preparing the budget of the judicial branch as required by Title 4, section 1; and
 - (1-C) For compensation of Legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances, and for additional services by the President of the Senate, Speaker of the House of Representatives and members of legislative leadership;
- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

The joint standing committee of the Legislature having jurisdiction over state and local government matters may introduce a bill based upon the final report of the commission.

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

Effective June 19, 2019.

CHAPTER 385

H.P. 1152 - L.D. 1593

An Act To Support Infrastructure Improvements in Schools

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

Sec. 1. 20-A MRSA §15915, sub-§1, as repealed and replaced by PL 2011, c. 279, §1, is amended to read:

1. Initial agreement for energy conservation improvements. A school administrative unit may enter into an agreement of up to 20 years with an energy services company. For the purposes of this section, "energy services company" means a company or 3rd-party financing company that provides design, installation, operation, maintenance and financing of locally funded energy conservation improvements, air quality improvements or combined energy conservation and related air quality improvements at existing school administrative unit facilities. The school administrative unit's costs to enter into such an agreement are not applicable to the unit's school construction project costs, the debt service on which is eligible for subsidy purposes under section 15907. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

- A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years;
- B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and
- C. Has a total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, of less than \$2,500,000 \$10,000,000 for any school building or project.

A school administrative unit may select an energy services company on the basis of a request for qualifications or a request for proposals, and it is not required to use a competitive method set forth in this chapter and Title 5, section 1743-A and Private and Special Law 1999, chapter 79. The selection process must