

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

See title page for effective date.

CHAPTER 392

S.P. 480 - L.D. 1543

An Act To Amend the Maine Uniform Building and Energy Code

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

Sec. 1. 10 MRSA §9722, sub-§6, ¶M, as amended by PL 2015, c. 126, §2, is further amended to read:

M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶N, as enacted by PL 2015, c. 126, §3, is amended to read:

N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code; and

Sec. 3. 10 MRSA §9722, sub-§6, ¶O is enacted to read:

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website.

See title page for effective date.

CHAPTER 393

S.P. 483 - L.D. 1546

An Act To Protect State Employees When Their Contracts Have Expired

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

Sec. 1. 26 MRSA §979-T is enacted to read:

§979-T. Obligations during interim between contracts

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, state employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

See title page for effective date.

CHAPTER 394

S.P. 486 - L.D. 1549

An Act To Increase the Supplement for Certain National Board for Professional Teaching Standards Certified Teachers in Maine

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

Sec. 1. 20-A MRSA §13013-A, sub-§1, as amended by PL 2011, c. 702, §2, is further amended to read:

1. Department of Education salary supplement. Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

A. For fiscal year 2012-13, \$2,500;

- B. For fiscal year 2013-14, \$2,750; ~~and~~
- C. For fiscal year 2014-15 and succeeding years, except for a teacher under paragraph D, \$3,000; and
- D. For fiscal year 2020-21 and succeeding years, for a teacher who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch under chapter 223, subchapter 7 during the year that the supplement is provided, \$5,000.

Sec. 2. Report. The Department of Education shall calculate the full funding necessary to fund 100% of the costs of the increase in the national board certification salary supplement pursuant to the Maine Revised Statutes, Title 20-A, section 13013-A, subsection 1 for fiscal year 2020-21 and 100% of the costs of the funding necessary to fund the National Board Certification Scholarship Fund for fiscal year 2020-21. The department shall report on its findings to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020. The Joint Standing Committee on Education and Cultural Affairs may submit a bill related to the department's findings to the Second Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 395

S.P. 517 - L.D. 1620

An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes

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

Sec. 1. 5 MRSA §17001, sub-§13, ¶C, as repealed and replaced by PL 1999, c. 489, §2, is amended to read:

- C. The following provisions govern limitations on earnable compensation.
 - (1) Notwithstanding the other provisions of this subsection, except as provided in subparagraph (3), for the purposes of determining average final compensation, "earnable compensation" does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation, unless the cost of the additional actuarial liability arising from the excess

increase is paid by the employer as provided in section 17154. Any payment made under paragraph B, subparagraph (1) must be included in determining the amount of increase in the year in which the payment is made. This subparagraph does not apply to excess increases resulting from compensation paid prior to July 1, 1993, from compensation paid in accordance with an individual employment contract executed prior to July 1, 1993 or a collective bargaining agreement executed or ratified in its final form by final vote of one party to the agreement prior to July 1, 1993 for the initial term of that contract or agreement or from other action by the governing body of a school administrative unit in effect on July 1, 1993. This subparagraph does not apply to increases in compensation of state employees during fiscal year 1993-94 and fiscal year 1994-95. In all circumstances in which this subparagraph does not apply to earnable compensation of state employees and teachers, the provisions of this subparagraph that were in effect prior to June 30, 1993 apply. This subparagraph does not apply to earnable compensation of employees of participating local districts.

(2) Effective October 1, 1999, the 5% limitation and the 10% limitation on increases in earnable compensation set out in subparagraph (1) may not be changed to a lower percentage for members who, on October 1, 1999 or thereafter, meet the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851 or section 17851-A, subsection 2.

(3) Collectively bargained salary or wage increases pursuant to Title 26, chapter 9-A, 9-B or 12 or job promotion may not be considered in calculating salary or wage increases for the purposes of subparagraph (1).

See title page for effective date.

CHAPTER 396

H.P. 1201 - L.D. 1677

An Act To Allow Reentry Houses as Part of Supervised Community Confinement

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

Sec. 1. 34-A MRSA §3036-B is enacted to read: