

# 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.**

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**Augusta, Maine**  
**2019**

- 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.

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**Sec. 1. 5 MRSA §17001, sub-§13, ¶C,** as repealed and replaced by PL 1999, c. 489, §2, is amended to read: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

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**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: