

# 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.

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**Sec. 1. 5 MRSA §17001, sub-§13, ¶C,** as repealed and replaced by PL 1999, c. 489, §2, is amended to read: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

**§3036-B. Reentry houses**

**1. Reentry house defined; requirement.** For purposes of this section, "reentry house" means a correctional program provided by the department through a written contract with one or more private employers under which the employers provide and maintain housing for specified prisoners, employ those prisoners and provide to those prisoners all meals, laundry facilities and transportation to and from job sites. A reentry house is not a correctional facility. A reentry house must meet all state and local building and life safety codes for the type of building in which the reentry house is located.

**2. Contract.** The commissioner may enter into contracts for the establishment of reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement under section 3036-A.

**3. Other assistance.** The department shall employ, or contract for, program staff to provide other assistance to prisoners housed at a reentry house, including, but not limited to, assistance with reentry planning.

**4. Transfer.** A prisoner may be transferred to supervised community confinement to be housed in a reentry house only if the prisoner meets all of the eligibility requirements of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A, has successfully participated in a work release program at a department facility and has the skills necessary to perform a job available from a private employer with which the department has contracted.

**5. Supervision.** All of the provisions of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A apply to a prisoner housed at a reentry house, and supervision of the prisoner must be conducted by a probation officer in the same manner as for any other prisoner transferred to supervised community confinement.

**6. Escape.** A prisoner who is transferred to supervised community confinement who intentionally violates a requirement to reside at a reentry house or otherwise escapes is guilty of escape under Title 17-A, section 755.

See title page for effective date.

**CHAPTER 397****H.P. 1268 - L.D. 1783****An Act To Amend the Motor Vehicle Laws**

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

**Sec. 1. 29-A MRSA §106**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§106. Enforcement of laws pertaining to dealers, transporters and automobile graveyards**

All state, county and local law enforcement officers and all ~~investigators~~ motor vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter 1 as it relates to automobile graveyards.

**Sec. 2. 29-A MRSA §409, sub-§2, ¶A**, as amended by PL 2017, c. 67, §1, is further amended to read:

A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor a properly completed bill of sale, showing either that:~~

- (1) The sales tax due has been collected by the dealer; or
- (2) The sale of the vehicle is not subject to tax; or

**Sec. 3. 29-A MRSA §409, sub-§3**, as amended by PL 2017, c. 67, §1, is further amended to read:

**3. Collection fee.** ~~Each official shall retain from the use taxes collected a fee of~~ The Secretary of State must be reimbursed by the State Tax Assessor \$1.25 for each vehicle per use tax certificate processed, even if a certificate indicates that no use tax is due.

Retained fees must be transmitted to the Treasurer of State and credited to the Highway Fund.

Taxes collected must be transmitted to the Treasurer of State and credited to the General Fund.

**Sec. 4. 29-A MRSA §453, sub-§3-A, ¶E**, as enacted by PL 2015, c. 206, §2, is amended to read:

E. ~~The Secretary of State finds consists~~ Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

**Sec. 5. 29-A MRSA §456-C, sub-§5**, as enacted by PL 2007, c. 240, Pt. LLLL, §2, is repealed.

**Sec. 6. 29-A MRSA §462, sub-§8**, as amended by PL 2003, c. 132, §1, is repealed.

**Sec. 7. 29-A MRSA §462, sub-§11**, as enacted by PL 2003, c. 452, Pt. Q, §5 and affected by Pt. X, §2, is amended to read:

**11. Records.** A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record