

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

discuss necessary information or records within the scope of such consultations.

6. Confidentiality. The proceedings of the panel are not public proceedings and the records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Legislature may inspect and review records covered by this subsection under conditions that protect the information from further disclosure. The Office of the Attorney General shall disclose conclusions of the panel but may not disclose information, records or data that are otherwise classified as confidential.

7. Incident examination and annual reports. Within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer under subsection 4, the panel shall submit a report on the panel's activities, conclusions and recommendations with regard to the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The panel shall submit a report by January 30, 2021, and annually thereafter, that summarizes the panel's meetings and the incidents of the use of deadly force by law enforcement officers that resulted in deaths or serious injuries that the panel examined in the preceding year.

Sec. 2. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.

<u>Public</u>	<u>Deadly</u>	<u>Not Author-</u>	<u>5 MRSA</u>
<u>Safety</u>	<u>Force Re-</u>	<u>ized</u>	<u>§200-K</u>
	<u>view Panel</u>		

See title page for effective date.

CHAPTER 436

H.P. 880 - L.D. 1220

An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work

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

Sec. 1. 5 MRSA §17859, as amended by PL 2015, c. 321, §1, is further amended to read:

§17859. Retiring and returning to work

1. Restoration to service. Any state employee or teacher who has reached normal retirement age and who retires after September 1, 2011 may be restored to service for up to 5 years. The decision to hire a retired state employee or retired teacher under this section is

at the discretion of the appointing authority. The retired state employee or retired teacher must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

1-A. Restoration to work as classroom-based employees or administrators. ~~Effective August 1, 2014, a classroom based employee who has reached normal retirement age and who retires after September 1, 2014~~ Any retired state employee, retired teacher or retired school administrator may be restored to service as a classroom-based employee or school administrator in a school in the unorganized territory or with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

~~A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;~~

~~B. Subject to the 5 year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or~~

~~C. In any combination of paragraphs A and B, as long as the total time the classroom based employee is restored to service does not exceed 10 years with an individual school administrative unit.~~

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

~~**2. Compensation and benefits.** The compensation and benefits of the retired state employee or retired teacher who returns to service after retirement as set out in subsection 1 is governed by this subsection.~~

~~A. The compensation of the retired state employee or retired teacher who returns to service must be set at 75% of the compensation established for the position to be filled, at a step determined by the appointing authority. The compensation of the retired classroom based employee who returns to service as a classroom based employee pursuant~~

~~to subsection 1-A, paragraph A must be set at 100% of the compensation established for the position to be filled, at a step determined by the school administrative unit, for up to the maximum 5-year period that a classroom-based employee may contract with an individual school administrative unit.~~

~~B. The retired state employee or retired teacher who returns to service under this section is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.~~

~~C. During the period of reemployment, the retired state employee or retired teacher is not entitled to health insurance, dental insurance or life insurance benefits. The retired state employee or retired teacher is entitled to all other benefits for the reemployment position under collective bargaining agreements or civil service laws and rules. Health insurance benefits must be provided under the provisions of section 285, subsection 1-A for retired state employees or Title 20-A, section 13451 for retired teachers and life insurance benefits must be provided under the provisions of section 18055.~~

2-A. Compensation. The compensation rate of the retired state employee, retired teacher or retired school administrator returning to service under subsection 1 or 1-A is the same as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. The compensation rate is determined on the basis of the position under any applicable collective bargaining agreement or determined through normal salary negotiations when the position is not part of a collective bargaining unit.

2-B. Benefits. The benefits of the retired state employee, retired teacher or retired school administrator who returns to service after retirement as set out in subsection 1 or 1-A are governed by this subsection.

A. During the period of reemployment, a retired teacher or retired school administrator continues to receive any retirement benefits that the teacher or administrator is entitled to under Title 20-A, section 13451.

B. During the period of reemployment, a retired state employee continues to receive any retirement benefits that the employee is entitled to under sections 285 and 18055.

C. During the period of reemployment, a retired state employee, retired teacher or retired school administrator who is not receiving any retirement benefits as described in paragraphs A and B is eligible for such benefits as per the local collective bargaining agreement or established through nor-

mal negotiations if the position is not part of a collective bargaining unit.

D. During the period of reemployment, a retiree as described in paragraphs A and B may receive additional compensation toward such benefits in an amount not to exceed that of the local collective bargaining agreement if applicable.

~~**3. Contributions to the Maine Public Employees Retirement System and state group health plan.** The portion of the employer contribution that goes to pay the retirement system for the unfunded liability and the state group health plan for retiree health care must be continued and based on the retired state employee's or retired teacher's compensation as provided under subsection 2 during the reemployment period.~~

3-A. Contributions to the Maine Public Employees Retirement System. For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer contribution that goes to pay the retirement system for the unfunded liability must be continued at the same contribution rate of the employer as described in section 17253 as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service under this section is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

3-B. Contributions to the state group health plan. For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer and employee contribution that goes to pay the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator.

4. Notification requirements. Employers under this section are required to identify and report to the retirement system, in the manner specified by the retirement system, each individual who is a retiree who becomes an employee of the employer under the an option provided in this section. Departments shall also report each retiree who becomes an employee to the Bureau of the Budget in a manner specified by the bureau. The employer shall report each such employee whenever and so long as the employee is the employer's employee.

~~**5. Exclusion.** A retired state employee or retired teacher who is hired as a substitute teacher is not subject to the restoration to service 5-year limitation in~~

~~subsection 1 or the compensation limitation in subsection 2, paragraph A.~~

See title page for effective date.

CHAPTER 437

H.P. 891 - L.D. 1230

An Act To Update the Civil Animal Welfare Laws

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

Sec. 1. 7 MRSA §3922, sub-§4, as amended by PL 2007, c. 664, §11, is further amended to read:

4. Service dogs. If a service dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk may not register the dog nor issue to its owner or keeper a license ~~and tag that identifies the dog as a service dog~~ unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." For the purpose of this subsection, "written evidence" means a service dog certification form approved by the department in consultation with the Maine Human Rights Commission.

Sec. 2. 7 MRSA §3947, first ¶, as amended by PL 2017, c. 404, §9, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, 3952-A ~~and~~ 4041 ~~and~~ 4042 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

Sec. 3. 7 MRSA §§3950-B and 3950-C are enacted to read:

§3950-B. Euthanasia for severely sick or severely injured livestock

1. Written authorization. A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:

A. The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock's presence and a reasonable attempt to contact the owner of the livestock has been made; and

B. A veterinarian states in writing that given reasonable time and reasonable care the livestock's recovery from the livestock's sickness or injury is doubtful.

2. Immediate euthanasia. Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for severely sick or severely injured livestock.

§3950-C. Immunity from civil liability

A municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization made in accordance with section 3950-B nor is any person performing euthanasia under that authorization civilly liable.

Sec. 4. 7 MRSA §4011, sub-§1, ¶D, as amended by PL 1997, c. 456, §4, is further amended to read:

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;

Sec. 5. 7 MRSA §4016, sub-§1, ¶A, as enacted by PL 2001, c. 425, §4, is amended to read:

A. The court shall adjudge a civil fine of not less than \$500 nor more than ~~\$2,500~~ \$5,000 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than ~~\$5,000~~ \$10,000 for a 2nd or subsequent violation of section 4011, none of which may be suspended.

Sec. 6. 7 MRSA §4042 is enacted to read:

§4042. Stray livestock

1. Ownership of livestock unknown. If the ownership of any stray livestock cannot be established, the livestock must be handled as a stray and an animal control officer shall seize, impound or restrain the livestock and:

A. Deliver the livestock to an animal shelter, farm or holding facility that is capable of safely containing the number, type and size of the livestock; or

B. Arrange for the safe confinement of the livestock at a location designated by the municipality in which the livestock was found.

2. Municipal procedure for stray livestock. A municipality shall retain custody of stray livestock