

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

early childhood consultation program in the Maine Revised Statutes, Title 34-B, chapter 15, subchapter 2 and the program's ability to provide support and guidance to families, early care and education teachers and providers working with children. The joint standing committee may submit legislation related to the report to the First Regular Session of the 130th Legislature.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Early Childhood Consultation Program N323

Initiative: Allocates funds necessary to design and implement a statewide voluntary early childhood consultation program beginning September 1, 2020.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$424,040	\$440,341
FEDERAL BLOCK GRANT FUND TOTAL	\$424,040	\$440,341

Early Childhood Consultation Program N323

Initiative: Provides ongoing funds for one Regional Education Representative position and one Office Associate II position and related All Other funding necessary to design and implement a statewide voluntary early childhood consultation program beginning September 1, 2020.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$109,446	\$182,876
All Other	\$314,594	\$257,465
GENERAL FUND TOTAL	\$424,040	\$440,341

**HEALTH AND HUMAN
SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$424,040	\$440,341
FEDERAL BLOCK GRANT FUND	\$424,040	\$440,341

DEPARTMENT TOTAL - ALL FUNDS	\$848,080	\$880,682
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See title page for effective date.

CHAPTER 482

H.P. 1082 - L.D. 1480

**An Act To Modify Retirement
Plans for Fire Investigators
and Sergeants**

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

Sec. 1. 5 MRSA §17851-A, sub-§1, ¶K, as amended by PL 2001, c. 409, §1, is further amended to read:

K. The State Fire Marshal or a ~~state fire marshal investigator or~~ state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30, 2020, a state fire marshal investigator in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; and

Sec. 2. 5 MRSA §17851-B is enacted to read:

§17851-B. Special plan for fire marshal investigators and fire marshal sergeants

1. Establishment and applicability. Effective July 1, 2020, there is established a special retirement plan for fire marshal investigators and fire marshal sergeants, referred to in this section as "the special plan." The special plan applies to a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant.

2. Qualification for benefits. A member employed in any of the positions specified in subsection 1 qualifies for a service retirement benefit after completing 20 years of creditable service in that capacity, whether or not the creditable service included in determining that the 20-year requirement has been met was earned under the special plan established in this section or prior to its establishment.

3. Purchase of service credit to be used for qualification for benefits. This subsection governs the use of purchased service credit in order to qualify for benefits under this section. For the purpose of meeting the qualification requirement of subsection 2:

A. Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included if the time to which the refund relates was served in any one or a combination of the positions specified in subsection 1, regardless of whether the time was

served before or after the establishment of the special plan; and

B. Service credit purchased other than as provided under paragraph A is not included.

4. Computation of benefits. The amount of the service retirement benefit for members qualified under subsection 2 is 1/2 of the person's average final compensation and an additional 2% of the person's average final compensation for each year of membership service not included in determining qualification under subsection 2.

5. Contributions. Notwithstanding any other provision of subchapter 3, after June 30, 2020, a member in a position specified in subsection 1 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 20 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Fire Marshal - Office of 0327**

Initiative: Provides funding for the increase in employer retirement contributions as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

GENERAL FUND	2019-20	2020-21
Personal Services	\$6,520	\$6,652
GENERAL FUND TOTAL	\$6,520	\$6,652

Fire Marshal - Office of 0327

Initiative: Allocates funds for the increase in employer retirement contributions due to certain employees of the Office of the Fire Marshal moving from the 1998 Special Plan to a newly created "20 year and out" plan.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$50,858	\$51,453
OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,858	\$51,453

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
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GENERAL FUND	\$6,520	\$6,652
OTHER SPECIAL REVENUE FUNDS	\$50,858	\$51,453

DEPARTMENT TOTAL - ALL FUNDS	\$57,378	\$58,105
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RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES

Retirement System - Retirement Allowance Fund 0085

Initiative: Provides one-time funding for the unfunded actuarial liability created as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

GENERAL FUND	2019-20	2020-21
All Other	\$125,001	\$0
GENERAL FUND TOTAL	\$125,001	\$0

Retirement System - Retirement Allowance Fund 0085

Initiative: Allocates one-time funding for the unfunded actuarial liability created as a result of establishing a new special retirement plan for state fire marshal investigators, state fire marshal senior investigators and state fire marshal sergeants within the Office of the Fire Marshal.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$974,999	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$974,999	\$0

RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$125,001	\$0
OTHER SPECIAL REVENUE FUNDS	\$974,999	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$1,100,000	\$0
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SECTION TOTALS	2019-20	2020-21
GENERAL FUND	\$131,521	\$6,652
OTHER SPECIAL REVENUE FUNDS	\$1,025,857	\$51,453
SECTION TOTAL - ALL FUNDS	\$1,157,378	\$58,105

See title page for effective date.

**CHAPTER 483
S.P. 20 - L.D. 67**

An Act To Ensure Access to Justice for Victims of Sexual Assault

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

Sec. 1. 17-A MRSA §8, sub-§1, as amended by PL 1999, c. 438, §1, is repealed and the following enacted in its place:

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:

A. A prosecution for murder or criminal homicide in the first or 2nd degree; or

B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct.

Sec. 2. 17-A MRSA §8, sub-§2, as amended by PL 2013, c. 392, §1, is repealed and the following enacted in its place:

2. Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

Sec. 3. 17-A MRSA §8, sub-§2-A, as enacted by PL 2013, c. 392, §2, is amended to read:

2-A. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 20 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1252, subsection 4-A.

Sec. 4. Application. This Act applies to the following Class A, Class B or Class C crimes committed on or after the effective date of this Act or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act: gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253; and unlawful sexual contact under Title 17-A, section 255-A.

See title page for effective date.

**CHAPTER 484
H.P. 1259 - L.D. 1772**

An Act To Secure Transitions to Economic Prosperity for Maine Families and Children

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

Sec. 1. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 2017, c. 256, §1; c. 284, Pt. NNNNNN, §10; c. 290, §1; and c. 412, §2, is further amended to read:

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

(1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;

(2) To provide financial assistance to noncitizens legally admitted to the United States who are receiving assistance under this subsection as of July 1, 2011. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF programs but for their status as aliens under PRWORA. Eligibility for the TANF program for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from the TANF program. Any household receiving assistance as of July 1, 2011 may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally