

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

CHAPTER 539
S.P. 315 - L.D. 1083

**An Act To Implement
Ranked-choice Voting for
Presidential Primary and
General Elections in Maine**

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

Sec. 1. 21-A MRSA §1, sub-§27-C, as repealed and replaced by PL 2017, c. 316, §1, is amended to read:

27-C. Elections determined by ranked-choice voting. "Elections determined by ranked-choice voting" means any of the following elections in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;

B. General and special elections for the offices of United States Senator and United States Representative to Congress; ~~and~~

D. General elections for presidential electors; and

Sec. 2. 21-A MRSA §1, sub-§27-C, ¶E is enacted to read:

E. Primary elections for the office of President of the United States.

Sec. 3. 21-A MRSA §723-A, sub-§5-B is enacted to read:

5-B. Presidential primary elections; selection of delegates. Notwithstanding any provision of this section to the contrary, selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention.

Sec. 4. 21-A MRSA §801, sub-§2 is enacted to read:

2. Counting of ballots. Counting of ballots for candidates for President must proceed according to the ranked-choice method of counting votes described in section 723-A.

Sec. 5. 21-A MRSA §805, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Presidential electors. The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State according to the ranked-choice method of counting votes described in

section 723-A. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district according to the ranked-choice method of counting votes described in section 723-A.

Sec. 6. Contingent effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 21-A, section 1, subsection 27-C, paragraph E and Title 21-A, section 723-A, subsection 5-B take effect upon the enactment of laws adopting a presidential primary election in this State.

See title page for effective date, unless otherwise indicated.

CHAPTER 540
H.P. 808 - L.D. 1104

**An Act To Clarify the State's
Commitments Concerning
Certain Public Service
Retirement Benefits**

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

Sec. 1. 5 MRSA §17801, sub-§1, ¶B, as enacted by PL 1999, c. 489, §3, is amended to read:

B. The protections established under the provisions listed in subparagraph (1) constitute solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine, Article I, Section 11 and the United States Constitution, Article I, Section 10, under the terms and conditions set out in subparagraph (2).

(1) The commitment provided by this section applies to the protections established under the specific following provisions:

(a) Section 17001, subsection 4; and subsection 13, paragraph B, subparagraph (1) and paragraph C, subparagraph (2);

(b) Section 17806, ~~subsection~~ subsections 1 to 4;

(c) The subsection of section 17851, that is applicable to each member;

(d) The paragraph of subsection 2 of section 17851-A, that is applicable to each member;

(e) The paragraph of subsection 4 of section 17851-A, that is applicable to each member; and

(f) The subsection of section 17852, that is applicable to each member.

(2) The commitment established in this paragraph attaches to a given provision of those specified in subparagraph (1) when the member in question has met the creditable service requirement set out in the given provision, on the basis of which the protection established by the provision becomes effective.

See title page for effective date.

CHAPTER 541

H.P. 871 - L.D. 1207

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles

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

Sec. 1. 5 MRSA §17851, sub-§14, as amended by PL 2017, c. 229, §2, is further amended to read:

14. Motor vehicle detectives; option. ~~A~~ Except as provided in section 17851-A, a motor vehicle detective, senior motor vehicle detective, principal motor vehicle detective or chief motor vehicle detective qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 15.

Sec. 2. 5 MRSA §17851-A, sub-§1, ¶L, as amended by PL 2001, c. 646, §1, is further amended to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or ~~are~~ hired thereafter; ~~and~~

Sec. 3. 5 MRSA §17851-A, sub-§1, ¶M, as enacted by PL 2001, c. 646, §2 and amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; ~~and~~

Sec. 4. 5 MRSA §17851-A, sub-§1, ¶N is enacted to read:

N. Detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

Sec. 5. 5 MRSA §17851-A, sub-§2, as amended by PL 2017, c. 439, §1, is further amended to read:

2. Qualification for benefits. A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any employee identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A, as amended by PL 2017, c. 439, §2, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; ~~and~~ after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraphs L and M regardless of when performed; and