

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

a reflectorized, commemorative simulated registration plate in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820. The Secretary of State shall design the plate, ~~and the plate must bear the date of its expiration, which is December 31, 2020.~~ Notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the State of Maine Bicentennial commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, including a motor vehicle registered outside this State and operated within it, beginning January 1, 2018 to December 31, ~~2020~~ 2021. All State of Maine Bicentennial commemorative plates, including any such plates that bear an expiration date of December 31, 2020, expire on December 31, 2021. The plate may not be displayed on a truck tractor as defined in Title 29-A, section 101, subsection 90; and be it further

Sec. 3. Resolve 2015, c. 23, §2 is amended to read:

Sec. 2. Administrative fee; distribution. Resolved: That the Secretary of State shall develop a plan for the sale and distribution of the State of Maine Bicentennial commemorative plates, including in 2021. The fee for the State of Maine Bicentennial commemorative plate is \$25, which must be credited as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with the production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine State Cultural Affairs Council established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 7-A; and be it further

Sec. 4. Resolve 2017, c. 25, §3 is amended to read:

Sec. 3. Appointment terms. Resolved: That the Legislators appointed to the commission serve terms coincident with their legislative terms and are appointed every 2 years. Legislators may be reappointed to the commission and may continue to serve until their replacements are designated. Other members are appointed for terms that expire December 31, ~~2020~~ 2021; a vacancy is filled in the same manner as the original appointment. The terms of members whose terms expired on December 31, 2020 are deemed to continue and expire instead on December 31, 2021; and be it further

Sec. 5. Resolve 2017, c. 25, §8 is amended to read:

Sec. 8. Report. Resolved: That, no later than December 6, 2017, November 7, 2018, December 4, 2019 ~~and~~ November 4, 2020 ~~and~~ December 1, 2021, the commission shall submit ~~a progress report~~ progress reports that include its findings and recom-

mendations for presentation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and be it further

Sec. 6. Retroactivity. This Act applies retroactively to December 31, 2020.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2021.

CHAPTER 90

S.P. 276 - L.D. 711

An Act To Allow Certain Employees To Return to Participation in the Maine Public Employees Retirement System

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must take effect as soon as possible to allow certain employees sufficient time to make the election to return to the Maine Public Employees Retirement System, as permitted by this legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §18252-A, sub-§1, ¶A, as amended by PL 2011, c. 449, §15, is further amended to read:

A. A person hired by a participating local district, or rehired following a break in service, after the date on which the employer provides a plan under section 18252-B must elect at the time of initial hiring or rehiring whether to be a member under the Participating Local District Retirement Program or to be covered under a plan provided by the employer under section 18252-B. Once an election is made under this paragraph, except as provided in paragraph E, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

Sec. 2. 5 MRSA §18252-A, sub-§1, ¶B, as amended by PL 2009, c. 474, §33, is further amended to read:

B. An employee of the participating local district who is a member under the Participating Local District Retirement Program on the date on which the employer provides a plan under section 18252-B may elect to remain a member under that program or to become covered under a plan provided by the employer under section 18252-B. A person must make an election within 90 days of the date on which the employer provides a plan under section 18252-B. Once an election is made under this paragraph, except as provided in paragraph E, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

(1) If that person elects not to remain a member, the election is effective as of the first day of the month in which no contributions or pick-up contributions are made to the Participating Local District Retirement Program by that person. A person who elects not to remain a member may, at that person's discretion, withdraw accumulated contributions in accordance with section 18306-A.

Sec. 3. 5 MRSA §18252-A, sub-§1, ¶E is enacted to read:

E. An election under paragraph A or B to not be a member or not remain a member is not irrevocable if:

(1) The employee contribution rate for the plan provided by the employer under section 18252-B is not lower than the employee contribution rate for the applicable plan under the Participating Local District Retirement Program; and

(2) Employee contributions after joining or rejoining the Participating Local District Retirement Program qualify for treatment as pick-up contributions for federal tax purposes and the person's membership otherwise complies with the United States Internal Revenue Code as applicable to governmental qualified defined benefit plans.

Sec. 4. 5 MRSA §18254, sub-§1, as amended by PL 2009, c. 474, §35, is further amended to read:

1. Employee eligible to withdraw accumulated contributions. An employee of the district whose membership in the Participating Local District Retirement Program was compulsory under section 18251 must make an election to remain a member under that program or to withdraw accumulated contributions within 90 days of the effective date of the employer withdrawal from the program under section 18203, subsection 2. An employee who elects to withdraw accumulated contributions under this subsection may not be a member of the program as an employee of that district.

Once an election is made under this subsection, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory if the employer later resumes participation in the program pursuant to section 18254-A- unless the employee is electing to rejoin the Participating Local District Retirement Program and:

A. The employee is covered by a plan provided by the employer under section 18252-B with an employee contribution rate that is not lower than the employee contribution rate for the applicable plan under the Participating Local District Retirement Program; and

B. Employee contributions after rejoining the Participating Local District Retirement Program qualify for treatment as pick-up contributions for federal tax purposes and the person's membership otherwise complies with the United States Internal Revenue Code as applicable to governmental qualified defined benefit plans.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2021.

CHAPTER 91

H.P. 524 - L.D. 714

An Act To Support the Recovery of Maine's Distilleries by Allowing the Sale of Cocktails for On-premises Consumption

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

Whereas, in response to this public health emergency, the Governor issued an executive order on March 18, 2020 requiring the closure of tasting rooms at Maine distilleries; and

Whereas, due to the ongoing nature of the public health emergency, Maine distilleries were not permitted to reopen their tasting rooms until March 26, 2021, at which time they were permitted to operate at only 50% capacity; and

Whereas, the combined effects of the public health emergency and subsequent public health measures have significantly affected the economic