

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

develop and make recommendations on rules and procedures regarding the rights and basic protections of persons with acquired brain injuries, referred to in this Part as "the task force."

Sec. B-2. Composition. The task force must consist of:

1. Experts in the field of acquired brain injury;
2. Providers of services to persons with acquired brain injuries;
3. Persons with acquired brain injuries;
4. Family members of persons with acquired brain injuries;
5. Advocates for persons with acquired brain injuries; and
6. Representatives of the Acquired Brain Injury Advisory Council established under the Maine Revised Statutes, Title 34-B, section 19001.

Sec. B-3. Duties. The task force shall recommend:

1. Rules regarding the rights and basic protections of persons with acquired brain injuries;
2. Procedures for the annual instruction for persons receiving brain injury services, provider staff and others on the rights and basic protections of persons with acquired brain injuries;
3. Procedures for hearing grievances of persons with acquired brain injuries; and
4. Procedures for the filing and resolution of complaints regarding the brain injury service system for persons with acquired brain injuries.

Sec. B-4. Report. The commissioner shall report the findings and recommendations of the task force to the Joint Standing Committee on Health and Human Services by January 2, 2022. The Joint Standing Committee on Health and Human Services may report out legislation to the Second Regular Session of the 130th Legislature related to the report.

Sec. B-5. Staff assistance. The Department of Health and Human Services shall provide necessary staffing services to the task force.

PART C

Sec. C-1. Rulemaking. The Department of Health and Human Services, by July 1, 2022, shall adopt rules regarding this Act, including, but not limited to: the rights and basic protections of persons with acquired brain injuries; procedures for the annual instruction for persons receiving brain injury services, service provider staff and others on the rights and basic protections of persons with acquired brain injuries; procedures for hearing grievances of persons with acquired

brain injuries; and procedures for the filing and resolution of complaints regarding acquired brain injury services for persons with acquired brain injuries. The department shall consider the recommendations of the task force established in Part B in its adoption of rules under this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and are adopted in accordance with the department's rule-making authority under Titles 22, 22-A and 34-B, including, but not limited to, Title 22, section 3089, subsection 3; Title 22-A, section 205, subsection 2; Title 22-A, section 206, subsection 3; and Title 34-B, sections 5604 and 5605.

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

Effective June 20, 2021.

CHAPTER 285

S.P. 222 - L.D. 535

An Act To Provide for the Well-being of Companion Animals upon the Dissolution of Marriages

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

Sec. 1. 19-A MRSA §953, sub-§10 is enacted to read:

10. Companion animals. In the disposition of property pursuant to subsection 1, the court, with respect to a companion animal, shall award ownership of the companion animal to only one party after considering all relevant factors, including, but not limited to:

- A. The well-being and basic daily needs of the companion animal;
- B. The amount of time each party has spent with the companion animal during the marriage tending to the companion animal's nutritional, grooming, physical and medical needs;
- C. The ability of a party to continue to own, support and provide adequate care for the companion animal;
- D. The emotional attachment of a party to the companion animal;
- E. The emotional attachment of any child in the household to the companion animal and the benefit to the child of the companion animal's remaining in the primary residence of the child;
- F. Any domestic violence between the parties or in the household of the parties; and

G. Any history of animal abuse or other unsafe conditions for the companion animal.

For the purposes of this subsection, "companion animal" means an animal kept primarily for companionship rather than as a working animal, service animal or farm animal kept for profit.

See title page for effective date.

**CHAPTER 286
S.P. 364 - L.D. 1103**

An Act To Allow a 5-year Open Enrollment in the Participating Local District Retirement Program for Certain Law Enforcement Officers, Firefighters and Other Municipal Employees

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

Sec. 1. 5 MRSA §18251, sub-§3, as amended by PL 2013, c. 555, §1, is further amended by amending the first blocked paragraph to read:

A Except as provided in section 18252-C, a person must make an election at the time of initial hire, or on the date of first eligibility to participate, whichever occurs earlier, whether to be a member of the program. ~~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.~~

Sec. 2. 5 MRSA §18252, first ¶, as amended by PL 2011, c. 449, §14, is further amended to read:

A person who is or would be covered by the United States Social Security Act as a result of employment by a participating local district with Social Security coverage may elect to be a member in the Participating Local District Retirement Program. A Except as provided by section 18252-C, a person must make an election at the time of initial hire or on the date of first eligibility to participate, whichever occurs earlier, whether to be a member of the program. ~~Once an election is made under this section, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.~~

Sec. 3. 5 MRSA §18252-A, sub-§1, ¶A, as amended by PL 2011, c. 449, §15, is further amended to read:

A. A Except as provided by section 18252-C, 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, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.~~

Sec. 4. 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 Except as provided by section 18252-C, 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, 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 pickup 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. 5. 5 MRSA §18252-C is enacted to read:

§18252-C. Delayed election of membership; annual open enrollment

Employees who were eligible to participate in the Participating Local District Retirement Program under section 18251, subsection 3, section 18252 and section 18252-A, subsection 1 at the beginning of employment but did not join may do so as governed by this section.

1. Delayed election of membership. An employee who was first eligible to participate in the Participating Local District Retirement Program who elects not to join the Participating Local District Retirement Program at the beginning of that employee's employment may become a member at any time up to and including that employee's 5th-year employment anniversary with that employer pursuant to subsection 2.

2. Annual open enrollment period. An employee under this section may elect to join the Participating Local District Retirement Program through an annual