

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

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 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. 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

open enrollment period from September 1st to November 1st, beginning in 2022.

3. Creditable service granted. An employee who elects to join the Participating Local District Retirement Program under this section is entitled to creditable service as governed by section 18358.

4. Member contributions. Member contributions for an employee that joins the Participating Local District Retirement Program under this section are not pick-up contributions.

5. Rules. The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

Sec. 6. Application. Notwithstanding the Maine Revised Statutes, Title 5, section 18252-C, subsection 1, an employee who has been employed for more than 5 years on the effective date of this Act may make a one-time election to join the Participating Local District Retirement Program by November 1, 2021. A person electing to join must be granted service as described in Title 5, section 18252-C, subsection 3 and must make contributions according to Title 5, section 18252-C, subsection 4.

See title page for effective date.

CHAPTER 287

H.P. 1057 - L.D. 1441

An Act To Create a James Weldon Johnson Annual Observance Day and an Observance Task Force

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

Sec. 1. 1 MRSA §150-Q is enacted to read:

§150-Q. James Weldon Johnson Day

The Governor shall annually issue a proclamation designating June 17th of each year as James Weldon Johnson Day in honor of writer and civil rights activist James Weldon Johnson.

Sec. 2. James Weldon Johnson observance task force established. The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, established under the Maine Revised Statutes, Title 5, section 25001, shall establish a James Weldon Johnson observance task force, referred to in this section as "the task force."

1. Membership. Membership of the task force may include representatives of:

- A. The Town of Wiscasset;

- B. A civil rights organization whose primary mission is racial justice;

- C. Historical societies;

- D. Scholars whose disciplines are in African-American history and culture;

- E. Literary societies;

- F. The Maine State Archives;

- G. The Maine State Museum;

- H. Regional and national efforts engaged in memorializing James Weldon Johnson;

- I. Creative writing programs;

- J. Educators; and

- K. Other groups that the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations determines will help the task force in its work.

2. Duties. The task force shall:

- A. Develop methods to educate the public on James Weldon Johnson's life and legacy in order to continue his work to end systemic racism;

- B. Study models for formally observing and promoting figures of importance;

- C. Connect with local, regional and national efforts that honor James Weldon Johnson; and

- D. Explore opportunities for memorializing James Weldon Johnson's life such as a creative writing scholarship, annual events and programs, sister state and city relationships, a walking trail, a geographical marker and links to cultural tourism.

3. Funding. The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations may raise outside funds in order to fund the task force and is not required to convene the task force if sufficient funds are not secured.

4. Report. The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations shall submit an interim report to the Joint Standing Committee on State and Local Government no later than January 15, 2022 that includes the status of the task force and a timeline for its work, including a date for a final report to the committee if funding has been secured by the commission.

See title page for effective date.
