

# 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.**

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**Augusta, Maine**  
**2021**

C. A provider applicant shall submit to having fingerprints taken. The State Police, upon payment by the provider applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and national criminal history record information of a provider applicant must be used by the department for the purpose of screening that provider applicant.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. An individual whose enrollment as a MaineCare provider has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the individual's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the individual's fingerprints from the fingerprint file and provide written confirmation of that removal.

3. Rules. The department, following consultation with the State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶V** is enacted to read:

V. Who is required to have a criminal history record check under Title 22, section 5307.

**Sec. 3. 25 MRSA §1542-A, sub-§3, ¶U** is enacted to read:

U. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph V at the request of that person or the

Department of Health and Human Services pursuant to Title 22, section 5307.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of MaineCare Services 0129**

Initiative: Provides one-time funding for technological changes required in the Maine Integrated Health Management Solution computer system.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$23,579	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$23,579</u>	<u>\$0</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$70,736	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$70,736</u>	<u>\$0</u>

See title page for effective date.

**CHAPTER 401**

**S.P. 78 - L.D. 190**

**An Act To Amend the Laws  
Governing Retirement Benefit  
Reductions for Corrections  
Officers Currently Included in  
the 1998 Special Plan**

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

**Sec. 1. Computation of service retirement benefits for certain employees of the Department of Corrections.** Notwithstanding the Maine Revised Statutes, Title 5, section 17851-A, subsection 4 or any other provision of law to the contrary, the service retirement benefit of a qualified member must be computed on the basis of all of the qualified member's creditable service in the capacity specified in Title 5, section 17851-A, subsection 1, paragraph I, regardless of when that creditable service was earned, except that for a member qualifying for a retirement benefit under Title 5, section 17851-A, subsection 2, paragraph B:

1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in Title 5, section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or

2. If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 2. Qualified member; definition.** As used in this Act, "qualified member" means a member on the effective date of this Act to whom the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph I applies and who:

1. Was employed by the Department of Corrections prior to January 1, 2000;
2. Is employed in a correctional facility as defined in Title 34-A, section 1001, subsection 6; and
3. Receives a direct care stipend pursuant to a collective bargaining agreement in effect on the effective date of this Act.

As used in this Act, the terms "creditable service," "member" and "retirement benefit" have the same meanings as in Title 5, section 17001.

**Sec. 3. Transfer of settlement funds; fiscal year 2021-22.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$280,000 from the Administration - Attorney General, Other Special Revenue Funds account within the Department of the Attorney General from funds received from settlement agreements to the unappropriated surplus of the General Fund no later than October 1, 2021.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Provides one-time funds for the cost of the unfunded actuarial liability created by allowing service retirement benefits to be calculated under the 1998 Special Plan for certain workers in the Department of Corrections who receive a direct care stipend and who are currently under the 1998 Special Plan but had previously earned retirement benefits under the regular state employee and teacher plan.

GENERAL FUND	2021-22	2022-23
All Other	\$280,000	\$0
GENERAL FUND TOTAL	\$280,000	\$0

See title page for effective date.

**CHAPTER 402**  
**H.P. 245 - L.D. 347**

**An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles**

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

**Sec. 1. 35-A MRSA §10125, sub-§1,** as enacted by PL 2019, c. 258, §1, is amended by enacting at the end a new first blocked paragraph to read:

The trust may expend funds received under paragraphs A and C consistent with the allowable uses of and any criteria or limitations placed upon the expenditure of those funds by the sources of those funds.

**Sec. 2. 35-A MRSA §10126, sub-§1, ¶B,** as enacted by PL 2019, c. 258, §1 and reallocated by RR 2019, c. 1, Pt. A, §54, is repealed.

**Sec. 3. 35-A MRSA §10126, sub-§3,** as enacted by PL 2019, c. 258, §1 and reallocated by RR 2019, c. 1, Pt. A, §54, is amended to read:

**3. Rebate program established; eligibility.** In accordance with the provisions of this section, the trust shall establish and administer a program that provides rebates for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive a rebate for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: an eligible a battery electric vehicle or plug-in hybrid electric vehicle; purchased, or leased from its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer for a term of 36 months or more, in the State; and registered in the State, except that a vehicle is not eligible if it has a gross vehicle weight rating of 6,000 pounds or less, is not a truck or an off-road vehicle and has a manufacturer's suggested retail price greater than \$50,000. To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles. Eligibility requirements for the recipient of the rebate must include that the recipient attests to a commitment to retain ownership, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate under this section who does not retain ownership of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate.

The trust shall establish the rebate amount for each eligible electric vehicle. The trust shall establish rebate amounts that it determines most effectively increase the purchase of eligible electric vehicles. For each model