

# 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**

**CHAPTER 474**  
**S.P. 362 - L.D. 1101**

**An Act To Expand the 1998  
Special Retirement Plan To  
Include Civilian Employees  
Who Work for the Department  
of Public Safety Crime Lab and  
Computer Crimes Unit**

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

**Sec. 1. 5 MRSA §17851-A, sub-§1, ¶K**, as amended by PL 2019, c. 482, §1, is further amended to read:

K. The State Fire Marshal or a state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30, 2020, a state fire marshal investigator in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; ~~and~~

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶N**, as enacted by PL 2019, c. 537, §3, is amended to read:

N. Emergency communications specialists in the employment of the Department of Public Safety on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter;

**Sec. 3. 5 MRSA §17851-A, sub-§1, ¶O**, as reallocated by RR 2019, c. 2, Pt. A, §3, is amended to read:

O. 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. 4. 5 MRSA §17851-A, sub-§1, ¶P**, as reallocated by RR 2019, c. 2, Pt. A, §4, is amended to read:

P. Detectives in the employment of the Office of the Attorney General on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter; ~~and~~

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

Q. Civilian employees whose job responsibilities include the handling, examination or analysis of digital or physical evidence in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1, 2021 who elect to participate in the 1998 Special Plan or hired thereafter.

**Sec. 6. 5 MRSA §17851-A, sub-§2**, as corrected by RR 2019, c. 2, Pt. A, §5, is 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, paragraphs N to P; after September 30, 2021 for employees identified in subsection 1, paragraph Q; 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. 7. 5 MRSA §17851-A, sub-§3, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §6, is amended by amending subparagraph (1) to read:

(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; 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, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q 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

**Sec. 8. 5 MRSA §17851-A, sub-§4, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §7, is amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

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

**Sec. 9. 5 MRSA §17851-A, sub-§4, ¶B**, as corrected by RR 2019, c. 2, Pt. A, §8, is amended to read:

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before July 1, 2020 for employees identified in

subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q or purchased by repayment of an earlier refund of accumulated contributions for service 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for

employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 10. 5 MRSA §17851-A, sub-§5**, as corrected by RR 2019, c. 2, Pt. A, §9, is amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter 3, 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; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed

25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 11. Transition.** If a civilian employee in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1, 2021 elects to participate in the 1998 Special Plan of the Maine Public Employees Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, that employee must make that election not later than December 31, 2021 and that employee's participation in the 1998 Special Plan becomes effective January 1, 2022.

**Sec. 12. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Computer Crimes 0048**

Initiative: Provides funds for the additional cost for civilian employees employed in the Maine State Police Crime Laboratory or computer crimes unit within the Department of Public Safety on October 1, 2021 to participate in the 1998 Special Plan on a prospective basis.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$7,597	\$15,737
<b>GENERAL FUND TOTAL</b>	<b>\$7,597</b>	<b>\$15,737</b>

**State Police 0291**

Initiative: Allocates funds for the additional cost for civilian employees employed in the Maine State Police Crime Laboratory or computer crimes unit within the Department of Public Safety on October 1, 2021 to participate in the 1998 Special Plan on a prospective basis.

<b>HIGHWAY FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$4,626	\$9,508
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,626</b>	<b>\$9,508</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$2,424	\$4,986
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,424</b>	<b>\$4,986</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$427	\$860
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$427</b>	<b>\$860</b>

**State Police 0291**

Initiative: Provides funds for the additional cost for civilian employees employed in the Maine State Police Crime Laboratory or computer crimes unit within the

Department of Public Safety on October 1, 2021 to participate in the 1998 Special Plan on a prospective basis.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$8,591	\$17,659
<b>GENERAL FUND TOTAL</b>	<b>\$8,591</b>	<b>\$17,659</b>

**State Police - Support 0981**

Initiative: Allocates funds for the additional cost for civilian employees employed in the Maine State Police Crime Laboratory or computer crimes unit within the Department of Public Safety on October 1, 2021 to participate in the 1998 Special Plan on a prospective basis.

<b>HIGHWAY FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$623	\$1,319
<b>HIGHWAY FUND TOTAL</b>	<b>\$623</b>	<b>\$1,319</b>

**PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>\$16,188</b>	<b>\$33,396</b>
<b>HIGHWAY FUND</b>	<b>\$5,249</b>	<b>\$10,827</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$2,424</b>	<b>\$4,986</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$427</b>	<b>\$860</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$24,288</b>	<b>\$50,069</b>

See title page for effective date.

**CHAPTER 475**

**S.P. 386 - L.D. 1123**

**An Act To Authorize a Monument to the Victims of and First Responders to COVID-19**

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

**Sec. 1. 3 MRSA §902, sub-§1-D** is enacted to read:

**1-D. Monument to victims of and first responders to COVID-19 pandemic.** Notwithstanding section 902-A, subsection 2, paragraph B, the commission may arrange for and oversee the development and installation of a monument on the exterior grounds of the State House honoring the victims of and first responders to the pandemic related to coronavirus disease 2019, known as COVID-19.

**Sec. 2. Report.** By January 31, 2022, the State House and Capitol Park Commission shall report to the Joint Standing Committee on State and Local Government on the status of the development and installation