

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

Sec. ZZZ-7. Transfers from Highway and Bridge Reserve Other Special Revenue Account. Notwithstanding any provision of law to the contrary, the State Controller shall transfer up to \$50,000,000 from the Highway and Bridge Reserve Other Special Revenue Account established in section 5 to the Department of Transportation, Highway and Bridge Capital program, Other Special Revenue Funds account to replace allocations to the Department of Transportation, Highway and Bridge Capital program, Federal Expenditures Fund—ARP State Fiscal Recovery fund authorized by the Legislature but not funded by the Federal Government. Funds transferred pursuant to this section may be used only to support the capital highway and bridge program at the department, consisting of projects to construct, reconstruct, rehabilitate and preserve state Priority 1, Priority 2 and Priority 3 highways statewide, to replace and rehabilitate bridges statewide and to fund the municipal partnership initiative and associated activities, including projects for calendar year 2021. Funds transferred from the Highway and Bridge Reserve Other Special Revenue Account to the Department of Transportation, Highway and Bridge Capital program, Other Special Revenue Funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. OO-2. Transfer within 30 days. The State Controller shall make the transfer from the Highway and Bridge Reserve Other Special Revenue Account to the Department of Transportation, Highway and Bridge Capital program, Other Special Revenue Funds account specified in section 1 of this Part within 30 days of the effective date of this Part.

See title page for effective date.

**CHAPTER 484
S.P. 592 - L.D. 1736**

**An Act To Clarify Funding for
the Office of Affordable Health
Care**

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

Sec. 1. PL 2021, c. 459, §9 is enacted to read:

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

**OFFICE OF AFFORDABLE HEALTH CARE
Office of Affordable Health Care N344**

Initiative: Establishes and appropriates funds for the costs of one Director position, one Public Service Coordinator II position, one Office Specialist II position and related costs for the new Office of Affordable Health Care beginning October 1, 2021.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE	3.000	3.000
COUNT		
Personal Services	\$257,085	\$364,769
All Other	\$34,297	\$39,062
GENERAL FUND TOTAL	\$291,382	\$403,831

See title page for effective date.

**CHAPTER 485
S.P. 593 - L.D. 1737**

**An Act To Clarify the
Definition of "Qualified
Investment" for Purposes of
the Income Tax Credit for
Paper Manufacturing Facility
Investment**

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

Sec. 1. 36 MRSA §5219-YY, sub-§1, ¶I, as enacted by PL 2021, c. 482, §3 and affected by §5, is amended to read:

I. "Qualified investment" means expenditures of at least \$15,000,000 to design, permit, build, rebuild, modify, replace, repair or acquire machinery or equipment, including supporting equipment, to modernize or improve a paper manufacturing facility. The expenditures of a qualified applicant and other entities, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made. A qualified investment includes any amount spent, prior to the issuance of a certificate of approval, on machinery, equipment, repair parts, replacement parts or replacement equipment, including additions and accessions to other machinery and equipment, as long as the machinery, equipment, parts, additions or accessions are placed in service after the issuance of a certificate of approval. A qualified investment does not include an investment made prior to January 1, ~~2021~~ ~~2019~~ or after December 31, ~~2025~~ ~~2023~~. "Qualified investment" does not include any amount expended to qualify for Pine Tree Development Zone program benefits under Title 30-A, chapter 206, subchapter 4.

Sec. 2. 36 MRSA §5219-YY, sub-§3, ¶A, as enacted by PL 2021, c. 482, §3 and affected by §5, is amended to read:

A. Subject to the limitations under paragraph B, beginning with the tax year during which a certificate of completion is issued under subsection 2, paragraph E or the tax year beginning in ~~2023~~

2024, whichever is later, and for each of the following 9 tax years, a certified applicant is allowed a credit against the tax due under this Part for the taxable year in an amount equal to 4% of the certified applicant's qualified investment.

The credit allowed under this subsection is refundable.

Sec. 3. PL 2021, c. 482, §5 is repealed.

See title page for effective date.

CHAPTER 486

H.P. 1299 - L.D. 1735

An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

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

Sec. 1. Adjustment of salary schedules for fiscal years 2021-22 and 2022-23. The salary schedules for the executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association and any other certified bargaining representative for an executive branch bargaining unit must be adjusted consistent with the terms of any agreements ratified by December 31, 2021.

Sec. 2. New, temporary and seasonal employees; similar and equitable treatment. The Governor is authorized to grant similar and equitable treatment consistent with this Act for employees in classifications included in bargaining units subject to collective bargaining agreements described in section 5 of this Act who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F.

Sec. 3. Confidential employees; similar and equitable treatment. The Governor is authorized to grant similar and equitable treatment consistent with this Act for confidential employees. For the purposes of this section, "confidential employees" means those employees within the executive branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

Sec. 4. Employee salaries subject to Governor's adjustment or approval. The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

Sec. 5. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided wholly or in part through a transfer of Personal Services appropriations within and between departments and agencies from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services up to \$30,000,000 for the fiscal year ending June 30, 2022 and up to \$45,000,000 for the fiscal year ending June 30, 2023 to implement the economic terms of the most recent collective bargaining agreements made from July 2021 to December 2021 by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association and any other certified bargaining representative for an executive branch bargaining unit, to provide equitable treatment of employees excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

Sec. 6. Transfer of Personal Services appropriations between programs and departments; General Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the General Fund for Personal Services in fiscal year 2021-22 and fiscal year 2022-23 may be transferred by financial order between programs and departments within the General Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Sec. 7. Transfer from Salary Plan program and special account funding. The Salary Plan program, General Fund account in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of the collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal years 2021-22 and 2022-23. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

Sec. 8. Transfer of Personal Services allocations between programs and departments; Highway Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the Highway Fund for Personal Services in fiscal year 2021-22 and fiscal year 2022-23 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used