

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

executive director and set the compensation, fringe benefits and term and determine all other significant employment provisions regarding the executive director. The board may authorize the executive director to hire other employees as the board considers necessary or desirable to fulfill its purposes, if the board approves the compensation, fringe benefits and terms and determines all other significant provisions regarding those employees. The board may also ~~contract~~ authorize the executive director to competitively procure contracts for the services of assistants, port operations, capital planning services, engineers, construction contractors, marketing services, finance and accounting services, attorneys, experts, inspectors and other consultants as the board considers or services necessary or desirable for to fulfill its purposes.

Sec. 7. 23 MRSA §4431 is enacted to read:

§4431. Report to Legislature; departmental review of certain fiscal items

1. Annual report. Beginning January 1, 2023, on an annual basis, the Maine Port Authority shall present a report of the authority's activities for the preceding fiscal year, including a report of its receipts and expenditures from all sources and a description of progress toward its strategic goals, to the Legislative Council and send copies to the joint standing committee of the Legislature having jurisdiction over transportation matters and to the Commissioner of Transportation.

2. Budget and fiscal items affecting department. Beginning May 1, 2023, on an annual basis, the executive director shall present the portions of the operating budget, the capital plans and all other fiscal items of the Maine Port Authority that affect the budgets, capital planning or work plans of the Department of Transportation for the next fiscal year to the Commissioner of Transportation for approval. The Maine Port Authority may make expenditures regarding such items only in accordance with allocations approved annually by the commissioner or in accordance with changes approved by the commissioner or the commissioner's designee.

See title page for effective date.

CHAPTER 556

H.P. 1338 - L.D. 1797

**An Act To Amend the Laws
Governing the Maine Length of
Service Award Program**

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

Sec. 1. 5 MRSA §3372, sub-§1, ¶A-1 is enacted to read:

A-1. "Ambulance service" means an ambulance service licensed by the Emergency Medical Services' Board pursuant to Title 32, section 88.

Sec. 2. 5 MRSA §3372, sub-§1, ¶C-1 is enacted to read:

C-1. "Department" means a fire department, an ambulance service or a nontransporting emergency medical service.

Sec. 3. 5 MRSA §3372, sub-§1, ¶D, as enacted by PL 2015, c. 352, §1, is amended to read:

D. "Eligible volunteer" means a bona fide volunteer performing qualified services in a ~~municipal~~ fire department if that bona fide volunteer is:

(1) A firefighter who is an active part-time or on-call member of a ~~municipal~~ fire department or a volunteer firefighter; or

(2) An emergency medical services person or an emergency medical services ambulance operator who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88 and who provides on-call, part-time or volunteer emergency medical treatment response under the direction of the chief of a ~~municipal~~ fire department and who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88 or for an ambulance service or a nontransporting emergency medical service.

Sec. 4. 5 MRSA §3372, sub-§1, ¶D-1 is enacted to read:

D-1. "Emergency medical services ambulance operator" has the same meaning as in Title 32, section 83, subsection 12-A.

Sec. 5. 5 MRSA §3372, sub-§1, ¶D-2 is enacted to read:

D-2. "Emergency Medical Services' Board" means the Emergency Medical Services' Board established pursuant to Title 5, section 12004-A, subsection 15.

Sec. 6. 5 MRSA §3372, sub-§1, ¶G, as enacted by PL 2015, c. 352, §1, is repealed.

Sec. 7. 5 MRSA §3372, sub-§1, ¶G-1 is enacted to read:

G-1. "Fire department" means an organized firefighting unit established under municipal charter or ordinance or under bylaws to prevent and extinguish fires and, if authorized by charter, ordinance or bylaw, to provide emergency services.

Sec. 8. 5 MRSA §3372, sub-§1, ¶G-2 is enacted to read:

G-2. "Nontransporting emergency medical service" means a nontransporting emergency medical service licensed by the Emergency Medical Services' Board pursuant to Title 32, section 88.

Sec. 9. 5 MRSA §3372, sub-§3, ¶A, as enacted by PL 2015, c. 352, §1, is amended to read:

A. The board, as established in section 12004-G, subsection 30-E, is composed of ~~7~~ 9 trustees, as follows:

- (1) Four persons who are eligible volunteers, appointed by the Governor. Three of the persons appointed under this subparagraph must be selected from a list of 6 nominees submitted by a statewide federation of firefighters;
- (2) A chief of a ~~municipal~~ fire department, appointed by the Governor and selected from a list of 3 nominees submitted by a statewide association of fire chiefs;
- (3) A person who is qualified through training or experience in the field of investments, accounting, banking or insurance or who is an actuary, appointed by the Governor; ~~and~~
- (4) A person designated by a statewide municipal association; ~~and~~
- (5) Two persons who are licensed as emergency medical services persons under Title 32, chapter 2-B, appointed by the Governor and selected from a list of 3 nominees submitted by the Emergency Medical Services' Board.

Sec. 10. 5 MRSA §3372, sub-§7, as enacted by PL 2015, c. 352, §1, is amended to read:

7. Waiver of participation. An eligible volunteer may waive the right to participate in the program by filing with the board a written, signed and irrevocable waiver of participation that is signed by the ~~fire~~ chief, ~~as described in Title 30-A, section 3153, of a municipal fire of the department of which the eligible volunteer is a member.~~

Sec. 11. 5 MRSA §3372, sub-§9, as enacted by PL 2015, c. 352, §1, is amended to read:

9. Procedure for reporting service credit. A ~~municipal fire~~ department shall submit a list of all persons who were eligible volunteers during a calendar year to the board for review and approval by May 1st following the end of that calendar year. The list must indicate which eligible volunteers earned service credit during the calendar year and must be prepared, certified under oath by the ~~fire~~ chief of the ~~municipal fire~~ department, posted in the ~~fire~~ department for at least 30 days and then submitted to and received by the board by May 1st. During the 30-day posting period, an eligible volunteer must be given the opportunity to dispute the service credit shown for the eligible volunteer in accordance with law. The ~~fire~~ chief shall indicate in writing to the

board that the list was posted for at least 30 days and that all disputes regarding the service credit shown on the list as having been earned during the year have been resolved. The board, at its sole discretion, may audit a list prepared by a ~~municipal fire~~ department under this subsection. If the list is not received by the board by May 1st, a contribution may not be credited to the program account of any eligible volunteer whose name was or should have been reported on the list as having earned one year of service credit during the calendar year, except as provided in subsection 12.

Sec. 12. 5 MRSA §3372, sub-§10, ¶C, as enacted by PL 2015, c. 352, §1, is amended to read:

C. A ~~municipal fire~~ department or a fire company or volunteer organization associated with a ~~municipal fire~~ department;

Sec. 13. 5 MRSA §3372, sub-§11, ¶C, as enacted by PL 2015, c. 352, §1, is amended to read:

C. A ~~municipal fire~~ department subaccount, which is an account of a participant derived from contributions from a specific ~~municipal fire~~ department or a fire company or volunteer organization associated with a ~~municipal fire~~ department to the program. A participant's ~~municipal fire~~ department subaccount must reflect the respective contributions from that ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department along with forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant's ~~municipal fire~~ department subaccount is subject to the vesting schedule set forth in subsection 12.

(1) For a given calendar year, the total contribution from a specific ~~municipal fire~~ department or a fire company or volunteer organization associated with a ~~municipal fire~~ department, if any, must be allocated equally to the ~~municipal fire~~ department subaccounts of the participants who are eligible volunteers of that ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department and who earned one year of service credit during that calendar year.

(2) Forfeitures from a participant's ~~municipal fire~~ department subaccount must be added to and allocated as ~~municipal fire~~ department contributions as designated by the ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13;

See title page for effective date.