

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

has met the requirements of section 13831, subsection 6 or may delegate the authority to administer drugs and vaccines to a pharmacy intern who is under that pharmacist's direct supervision and who has obtained drug administration training pursuant to section 13832, subsection 3. A pharmacy intern may administer drugs and vaccines only to a person 18 years of age or older.

2. Administer drugs or vaccines. A pharmacist may not engage in the administration of drugs or vaccines unless the pharmacist meets the qualifications and requirements of section 13832 and the pharmacist has obtained a board-issued certificate of administration. A pharmacy technician may not engage in the administration of vaccines unless the pharmacy technician meets the qualifications and requirements of section 13831, subsection 6 and the pharmacy technician has obtained a board-issued certificate of administration.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 22, 2023.

**CHAPTER 246
S.P. 134 - L.D. 313**

**An Act to Allow Game
Wardens to Transfer
Retirement Service, Allow
Certain Employees of
Participating Local Districts to
Purchase Service Credit and
Allow Transfer of Membership
from the State Employee
Retirement Plan to Another
Plan**

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

Sec. 1. 5 MRSA §17656, sub-§1, as amended by PL 2007, c. 542, §§1 and 2, is further amended to read:

1. Reemployment with new employer. Membership of a member who is reemployed with a new employer, or who transfers from one state employee plan to another state employee plan, is governed as follows:

A. Any member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program whose service is terminated as a state employee, teacher or participating local district employee and who becomes employed as a state employee, teacher or participating local district employee with a new employer or who transfers from one state employee plan to another state employee plan shall, if the member

has not previously withdrawn the member's accumulated contributions:

- (1) Have the membership transferred to the member's account with the new employer or new plan; and
- (2) Be entitled to all benefits that:
 - (a) Are based on creditable service and earnable compensation with the previous employer or previous plan and the provisions of this Part in effect with respect to the previous employer or previous plan at the date of termination of service by the member; and
 - (b) Do not require additional contributions by the new employer.

B. The new employer or new plan may elect to include the creditable service and earnable compensation of the member with the previous employer with the creditable service and earnable compensation with the new employer. If that election is made, the new employer shall make, from time to time, whatever contributions are necessary to provide the benefits under the applicable retirement program for the member as have accrued to the member by reason of the member's previous employment and as may accrue to the member by reason of the member's new employment.

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph D, all funds in the applicable retirement program contributed by the member's former employer or under the previous plan on account of the member's previous employment must be transferred to the account of the new employer or new plan and must be used to liquidate the liability incurred by reason of the previous employment.

D. Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a game warden, a law enforcement officer as defined in Title 25, section 2801-A, subsection 5, or a state firefighter, whose previous membership was based upon employment as a municipal firefighter as defined in section 286-M, a game warden, a law enforcement officer or a state firefighter, or their employer, may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan, including a transfer from one state employee plan to a different state employee plan. For members moving from one state employee plan to another state employee plan, no separation of service or reemployment is necessary. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of

the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H. For purposes of this paragraph, "game warden" means a person appointed by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 10351, subsection 1.

Sec. 2. Former participating local district employee may purchase service credit. A former employee of a local district who was not permitted to become a member of the Participating Local District Retirement Program when the local district resumed participation in the program under the Maine Revised Statutes, Title 5, section 18254-A because the former employee previously elected not to maintain membership when the local district withdrew from participation and who has become a member as an employee of another local district may purchase the service credit under Title 5, section 18252-A, subsection 1, paragraph E and Title 5, section 18254, subsection 1 if the employee is still employed by the local district. The purchase of service credit under this section must be completed by December 31, 2023.

See title page for effective date.

CHAPTER 247

H.P. 269 - L.D. 436

An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in Career and Technical Education Centers and Regions

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §4722, sub-§3, as amended by PL 2021, c. 571, §10, is further amended to read:

3. Satisfactory completion. A secondary school student may earn a diploma if the student has satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this section. A school administrative unit shall award a high school diploma to a child with a disability, as defined in section 7001, subsection 1-B, who satisfies the local diploma requirements in the manner specified by the child's individualized education plan. Career and technical students may satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A, on the approval of the commissioner and the local school board or in accordance with an equivalency agreement pursuant to section 8404, subsection 3, paragraph B or section 8457, subsection 2.

Sec. 2. 20-A MRSA §8404, sub-§3, ¶B, as amended by PL 2011, c. 679, §15, is further amended to read:

B. Shall develop a cooperative agreement delineating the duties and powers of the advisory committee. A cooperative agreement or any amendment to the agreement must be ratified by the school board of each unit or affiliated unit served by the center. A cooperative agreement must be reviewed annually by the advisory committee and submitted by the center and its affiliated units to the commissioner. Beginning with the school year starting after June 30, 2025, the cooperative agreement must include an equivalency agreement for credit gained through a career and technical education program to be accepted as a core credit toward a high school diploma for each of the school administrative units governing or affiliated with the center; and

Sec. 3. 20-A MRSA §8457, sub-§2, as amended by PL 1991, c. 518, §25, is further amended to read:

2. Cooperative agreement. The cooperative board shall adopt a cooperative agreement incorporating at a minimum each of the items listed under section 8452, subsection 1. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. The cooperative board may amend the agreement, subject to approval by a majority of the school boards of the units served by the region. A copy of the cooperative agreement and any amendments to the agreement must be filed with the commissioner. Beginning with the school year starting after June 30, 2025, the cooperative agreement must include an equivalency agreement for credit gained through a career and technical education program to be accepted as core credit toward a high school diploma