

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND  
FINANCIAL AFFAIRS**

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 177      An Act To Remove the Age Penalty for State Retirees Working at State  
Correctional Institutions That Are Closing**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was reported out of committee in the Second Regular Session of the 128th Legislature and was carried over to the next special session of the 128th Legislature by joint order S.P. 748.

This bill allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. This bill also requires the Commissioner of Administrative and Financial Services to provide certification of the pending closure of a state correctional facility to the Maine Public Employees Retirement System. The bill requires the retirement system to calculate the amount of funding necessary to pay for the actuarial costs and report that information to the joint standing committee of the Legislature having jurisdiction over retirement matters. The bill provides that the joint standing committee may report out legislation appropriating funds for the costs set forth in the report.

**Committee Amendment "A" (H-764)**

This amendment, which is the majority report of the committee, differs from the bill in the following ways.

1. It defines "closure" as the removal of all clients from a correctional facility pursuant to legislative action.
2. It removes the provision that the Commissioner of Administrative and Financial Services provide notification to the Maine Public Employees Retirement System of closure and replaces it with a provision that requires the Department of Corrections to notify the retirement system of the date of closure and the date of enactment and the chapter of the law that provides for the closure.
3. It provides funding for the unfunded actuarial liability of the additional retirement benefits for qualified individuals through a one-time increase in the Department of Corrections' employer contribution rate for payment of the unfunded actuarial liability.

Provisions of this bill, as amended, are included in LD 925 as enacted.

**LD 178      An Act To Authorize a General Fund Bond Issue To Provide Jobs,  
Improve Road Infrastructure and Protect Water Resources**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DILL J		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

***Joint Standing Committee on Appropriations and Financial Affairs***

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funding for cost sharing of at least 50% on projects that correct downstream pollution issues and provide contractor jobs and public safety improvements through improved storm water management and improved water quality.

**LD 247      An Act To Amend the Retirement Laws Pertaining to Participating  
Local Districts**

**PUBLIC 392  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN J	OTP-AM	H-716

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement changes to the Participating Local District Consolidated Retirement Plan administered by the Maine Public Employees Retirement System; the changes would be based on recommendations of the Participating Local District Advisory Committee. The committee, which represents both employee and employer interests, is authorized by statute to provide proposals for changes to the plan. Pursuant to that authority, the committee is reviewing possible plan adjustments to improve future funding levels and is expected to issue its recommendations prior to the end of the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (H-716)**

This amendment replaces the bill, which is a concept draft. This amendment also does the following.

1. It clarifies the rule-making authority for the Board of Trustees of the Maine Public Employees Retirement System to implement changes to the Participating Local District Consolidated Retirement Plan which are based on recommendations made by the Participating Local District Advisory Committee
2. It makes clear that plan provisions that pertain to contribution rates, earnable compensation, service credit for unused sick or vacation leave, cost-of-living adjustments, early retirement reduction, return to work after retirement and withdrawal liability payments that apply to employers and members of the Participating Local District Consolidated Retirement Plan are those adopted by rule pursuant to the Maine Revised Statutes, Title 5, section 18801.
2. It clarifies the meaning of "level of service retirement benefits" as it pertains to permissible changes to service retirement benefits.
3. It provides guidance for the adoption of rules on return to work after retirement and withdrawal liability.
4. It makes clear that any rules adopted by the board relating to the Participating Local District Consolidated Retirement Plan are routine technical rules.
5. It adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2017, chapter 392 does the following.

1. It clarifies the rule-making authority for the Board of Trustees of the Maine Public Employees Retirement System to implement changes to the Participating Local District Consolidated Retirement Plan which are based on recommendations made by the Participating Local District Advisory Committee