

TITLE 2
EXECUTIVE
CHAPTER 1
GOVERNOR

§1. Residence; office hours; secretary; salary

The Governor is entitled to reside in the Governor's official residence at Augusta during the Governor's term of office and shall keep an office at the State House open for the transaction of the business of the State during all normal working hours of the State House. [PL 2019, c. 475, §6 (AMD).]

In the absence of the Governor, the Governor's private secretary must be in attendance and the private secretary shall devote the private secretary's entire time to the duties of the Governor's office. [PL 2019, c. 475, §6 (AMD).]

Until the first Wednesday of January 1987, the Governor receives an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor is entitled to receive an annual salary of \$70,000. [PL 2019, c. 475, §6 (AMD).]

A former Governor may accept as a personal gift from the State at the end of the Governor's final term the desk and chair used by that Governor as Governor. [PL 2019, c. 475, §6 (AMD).]

SECTION HISTORY

PL 1965, c. 412, §1 (AMD). PL 1973, c. 597 (AMD). PL 1983, c. 477, Pt. E, Subpt. 24, §§1, 2 (AMD). PL 1985, c. 693, §1 (AMD). PL 1987, c. 437, §1 (AMD). PL 1993, c. 361, §B1 (AMD). PL 2019, c. 475, §6 (AMD).

§1-A. Retirement allowance

1. Terms and conditions. Any former Governor and any surviving spouse of a deceased Governor or former Governor is entitled, upon application and upon reaching age 60, to a retirement allowance under the following terms and conditions.

A. The amount of the retirement allowance is 3/8 of the annual salary being paid the current Governor on the date the former Governor reaches age 60 or leaves office, which ever comes later. [PL 1987, c. 422 (AMD).]

B. The surviving spouse of a Governor or former Governor is eligible to receive:

(1) If the spouse is age 60 or older:

(a) The retirement allowance the Governor was receiving or was entitled to receive if the deceased or former Governor died at age 60 or older; or

(b) A retirement pension equal to 3/8 of the salary paid to the Governor currently in office if the former Governor died before age 60; or

(2) If the spouse is under age 60:

(a) At the time the spouse reaches age 60, a retirement pension equal to 3/8 of the salary paid to the Governor currently in office; or

(b) Before the spouse reaches age 60, a reduced retirement pension actuarially equivalent to the benefit that the Governor would have received under division (a). [PL 2019, c. 475, §7 (AMD).]

C. Any person who succeeds to the office of Governor by means other than by election must serve as Governor a minimum of 6 months to qualify for or for a surviving spouse to qualify for the retirement allowance. [PL 2019, c. 475, §8 (AMD).]

D. Whatever adjustments are made under Title 5, section 17806 must be applied to payments made under this section. [PL 2015, c. 385, §1 (AMD).]

[PL 2019, c. 475, §§7, 8 (AMD).]

2. Maine Public Employees Retirement System. The trustees of the Maine Public Employees Retirement System shall be responsible for the payment of the retirement allowance under this section from the Governor's Retirement Fund.

A. The board of trustees of the Maine Public Employees Retirement System shall forward to the Executive Department for inclusion in its budget request an estimate of the amount needed to be appropriated to the Governor's Retirement Fund which will be sufficient, when combined with the amount in the fund, to provide the benefits payable out of the fund during the ensuing biennium. [PL 1985, c. 801, §§1, 7 (NEW); PL 2007, c. 58, §3 (REV).]

B. A Governor may become or continue to be a member of the State Employee and Teacher Retirement Program and is entitled to all benefits, except that the benefit provided under this section is in lieu of, and not in addition to, all benefits provided under Title 5, Part 20. [PL 2007, c. 491, §1 (AMD).]

C. When a retirement allowance under this section becomes effective:

(1) Any accumulated contributions of a Governor who is or was a member of the State Employee and Teacher Retirement Program or was a member of the former Maine State Retirement System must be transferred from the Members' Contribution Fund to the Governor's Retirement Fund; and

(2) An amount must be transferred from the Retirement Allowance Fund to the Governor's Retirement Fund equal to the accrued benefit reserve minus the accumulated contributions under subparagraph (1), which would have been required to pay the benefits to which the Governor or surviving spouse would have been entitled under Title 5, chapter 423, subchapter 5. [PL 2007, c. 491, §2 (AMD).]

D. A Governor shall contribute 7.65% of earnable compensation to the Governor's Retirement Fund. A former Governor may withdraw these contributions. If a former Governor withdraws contributions, the former Governor is not eligible for a retirement allowance under this section. A former Governor who has withdrawn contributions may repay withdrawn contributions pursuant to rules adopted by the Board of Trustees of the Maine Public Employees Retirement System in order to become eligible for a retirement allowance under this section. [PL 1993, c. 410, Pt. FFFF, §1 (NEW); PL 2007, c. 58, §3 (REV).]

[PL 2007, c. 491, §§1, 2 (AMD).]

3. Forfeiture and restitution. The rights and benefits of a member or retiree under this section are subject to forfeiture or assignment to the member's spouse, dependent or former spouse in accordance with the provisions of Title 5, section 17062.

[PL 2011, c. 606, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§1,7 (NEW). PL 1987, c. 422 (AMD). PL 1993, c. 410, §FFFF1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§1, 2 (AMD). PL 2011, c. 606, §1 (AMD). PL 2015, c. 385, §1 (AMD). PL 2019, c. 475, §7, 8 (AMD).

§2. Expense account

The "Governor's Expense Account" must be credited with those amounts that are appropriated by the Legislature for that purpose. This appropriation must be available for expenditure by the Governor at the Governor's discretion. This account is not subject to audit, except as to total amount to be paid. [PL 2019, c. 475, §9 (AMD).]

SECTION HISTORY

PL 2019, c. 475, §9 (AMD).

§3. Expense account of Governor-elect

The "Governor-elect's Expense Account" is a continuing reserve to which must be credited the sum of \$5,000. At the close of each fiscal year there must be transferred from unappropriated surplus an amount sufficient to restore the expense account to \$5,000. [PL 2019, c. 475, §10 (AMD).]

This appropriation must be available for expenditure by the Governor-elect at the Governor-elect's discretion after the Governor-elect has been elected to, but prior to being sworn in to, that Governor-elect's first term in office. This account is not subject to audit, except as to total amount to be paid. [PL 2019, c. 475, §10 (AMD).]

SECTION HISTORY

PL 1973, c. 509, §1 (AMD). PL 2019, c. 475, §10 (AMD).

§4. Acceptance of federal grants

The Treasurer of State is authorized and empowered to accept for the State any federal funds or any equipment, supplies or materials apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law. The Governor is authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the Federal Act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements. [PL 1979, c. 711, Pt. F, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §5 (AMD). PL 1977, c. 583, §§1,2 (AMD). PL 1979, c. 711, §F1 (AMD).

§5. Acceptance of gifts

The Governor is authorized to accept in the name of the State any and all gifts, bequests, grants or conveyances to the State of Maine. [PL 1975, c. 771, §6 (AMD).]

No other state official or any member of any other branch of State Government may accept any gift, grant or conveyance to the State or to that branch of government, with a value greater than \$50, unless specifically authorized to do so by law or by clear implication of law, or unless empowered to do so by the Governor. [PL 1999, c. 1, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §6 (AMD). PL 1981, c. 53 (AMD). PL 1999, c. 1, §1 (AMD).

§6. Salaries subject to adjustment by Governor

Notwithstanding any other provisions of law, the Governor is authorized to adjust the salaries of the following state officials within the salary ranges indicated in this section. The adjustment may be

at the time of appointment of the official and subsequently as provided by law. The salary ranges shall be as provided by law; except that, for the purposes of this section, each salary range shall be increased by 2 steps in addition to and in the same manner of increase as the steps in the range otherwise provided by law. No other state salary shall be paid to these officials. [PL 1981, c. 705, Pt. L, §§1-3 (RPR).]

1. Range 91. The salaries of the following state officials and employees are within salary range 91:

Commissioner of Transportation;
 Commissioner of Agriculture, Conservation and Forestry;
 Commissioner of Administrative and Financial Services;
 Commissioner of Education;
 Commissioner of Environmental Protection;
 Executive Director of Dirigo Health;
 Commissioner of Public Safety;
 Commissioner of Professional and Financial Regulation;
 Commissioner of Labor;
 Commissioner of Inland Fisheries and Wildlife;
 Commissioner of Marine Resources;
 Commissioner of Corrections;
 Commissioner of Economic and Community Development;
 Commissioner of Defense, Veterans and Emergency Management; and
 Executive Director, Workers' Compensation Board.

[PL 2011, c. 657, Pt. Y, §1 (AMD).]

1-A. Range 58. The salaries of the following state officials and employees are within salary range 58:

Commissioner of Health and Human Services.

[PL 2003, c. 689, Pt. C, §2 (NEW).]

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;
 Superintendent of Consumer Credit Protection;
 State Tax Assessor;
 Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
 Superintendent of Insurance;
 Executive Director of the Maine Consumer Choice Health Plan;
 Two deputy commissioners, Department of Administrative and Financial Services;
 Deputy Commissioner, Department of Corrections;
 Public Advocate;
 Two deputy commissioners, Department of Health and Human Services;

Chief Information Officer;
Associate Commissioner, Department of Corrections;
Chief of the State Police;
Securities Administrator, Office of Securities; and
Director, Office of Professional and Occupational Regulation.

[PL 2019, c. 343, Pt. XXX, §1 (AMD).]

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director, Bureau of Forestry;
Director, Governor's Office of Policy Innovation and the Future;
Director, Energy Resources Office;
Director of Human Resources;
Director, Bureau of Parks and Lands;
Director of the Governor's Office of Communications;
Director, Bureau of Agriculture, Food and Rural Resources; and
Director, Bureau of Resource Information and Land Use Planning.

[PL 2019, c. 343, Pt. D, §1 (AMD).]

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

Director, Bureau of Air Quality;
Director, Bureau of Water Quality;
Director, Bureau of Land Resources;
Director, Bureau of Remediation and Waste Management;
Deputy Commissioner, Environmental Protection; and
Deputy Chief of the State Police.

[PL 2019, c. 343, Pt. XXX, §2 (AMD).]

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

State Archivist;
Director, Division of Land Use Planning, Permitting and Compliance;
Chair, Maine Unemployment Insurance Commission;
Child Welfare Services Ombudsman; and
Director of the Maine Drug Enforcement Agency.

[PL 2019, c. 343, Pt. OOO, §1 (AMD).]

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;
 Members, Maine Unemployment Insurance Commission;
 Deputy Commissioner of the Department of Defense, Veterans and Emergency Management;
 Director of the Maine Bureau of Veterans' Services; and
 Executive Analyst, Board of Environmental Protection.

[PL 2005, c. 405, Pt. D, §4 (AMD); PL 2019, c. 377, §6 (REV).]

7. Range 83.

[PL 2003, c. 510, Pt. A, §1 (RP).]

8. Range 81. The salaries of the following state officials and employees shall be within salary range 81:

Assistant Adjutant General.

[PL 1981, c. 705, Pt. L, §§1-3 (RPR).]

9.

[PL 1977, c. 697, §1 (RP).]

10. Range 80. The salaries of the following state officials and employees are within salary range 80:

[PL 2007, c. 1, Pt. F, §1 (AMD).]

11. Range 38. The salary of one deputy commissioner of the Department of Health and Human Services is within salary range 38.

A. [PL 2007, c. 539, Pt. N, §2 (RP).]

B. [PL 2007, c. 539, Pt. N, §2 (RP).]

[PL 2015, c. 267, Pt. HHH, §2 (AMD).]

12. Range 52. The salary of the executive director of the Maine Commission on Indigent Legal Services is within salary range 52.

[PL 2009, c. 419, §1 (NEW).]

SECTION HISTORY

PL 1967, c. 542 (NEW). PL 1969, c. 45, §1 (AMD). PL 1969, c. 504, §1 (AMD). PL 1969, c. 552, §§1,2 (AMD). PL 1969, c. 576, §§1,2 (AMD). PL 1971, c. 328, §1 (AMD). PL 1971, c. 480, §3 (AMD). PL 1971, c. 531, §1 (AMD). PL 1971, c. 622, §§1-4 (AMD). P&SL 1973, c. 108, §8 (AMD). P&SL 1973, c. 148, §§D1,2 (AMD). PL 1973, c. 186, §1 (AMD). P&SL 1973, c. 207, §§5-10 (AMD). P&SL 1973, c. 209, §4 (AMD). P&SL 1973, c. 221, §§10,11 (AMD). PL 1973, c. 460, §§18,19 (AMD). PL 1973, c. 509, §2 (RPR). PL 1973, c. 513, §22 (AMD). PL 1973, c. 570, §2 (AMD). PL 1973, c. 585, §§11,12 (AMD). PL 1973, c. 590, §1 (AMD). PL 1973, c. 633, §1 (AMD). PL 1973, c. 770, §1 (AMD). PL 1973, c. 788, §2 (AMD). PL 1975, c. 59, §3 (AMD). P&SL 1975, c. 147, §§C1-C3 (AMD). PL 1975, c. 497, §3 (AMD). PL 1975, c. 623, §§1-B,2 (AMD). PL 1975, c. 766, §§1,2 (AMD). PL 1975, c. 770, §2 (AMD). PL 1975, c. 771, §7 (AMD). PL 1975, c. 776, §1 (AMD). PL 1977, c. 131 (AMD). PL 1977, c. 204, §§1,2 (AMD). PL 1977, c. 553, §1 (AMD). PL 1977, c. 697, §1 (RPR). PL 1979, c. 127, §§2,3 (AMD). PL 1979, c. 488, §§1,2 (AMD). PL 1979, c. 489, §§1-3 (AMD). PL 1979, c. 501, §1 (AMD). PL 1979, c. 579, §§1,2 (AMD). PL 1979, c. 651, §§1,2,47 (AMD). PL 1979, c. 663, §3 (AMD). PL

1979, c. 732, §§3,31 (AMD). PL 1981, c. 168, §1 (AMD). PL 1981, c. 359, §1 (AMD). PL 1981, c. 452, §§1,2 (AMD). PL 1981, c. 470, §A1 (AMD). PL 1981, c. 479, §1 (AMD). PL 1981, c. 501, §1 (AMD). PL 1981, c. 705, §§L1,3 (RPR). PL 1983, c. 349, §1 (AMD). PL 1983, c. 351, §§1,2,41 (AMD). PL 1983, c. 553, §46 (AMD). PL 1985, c. 372, §A1 (AMD). PL 1985, c. 506, §A1 (AMD). PL 1985, c. 746, §1 (AMD). PL 1985, c. 785, §A1 (AMD). PL 1985, c. 785, §§B1-3 (AMD). PL 1987, c. 402, §A3 (AMD). PL 1987, c. 511, §A1 (AMD). PL 1987, c. 534, §§A1,A19 (AMD). PL 1987, c. 634, §1 (AMD). PL 1987, c. 666, §1 (AMD). PL 1987, c. 715, §§1-3 (AMD). PL 1987, c. 787, §1 (AMD). PL 1987, c. 816, §DD1 (AMD). PL 1989, c. 483, §A1 (AMD). PL 1989, c. 501, §§BB1,BB2 (AMD). PL 1989, c. 502, §§A2,A3 (AMD). PL 1989, c. 585, §§A1,A2 (AMD). PL 1989, c. 612 (AMD). PL 1989, c. 700, §§A8-10 (AMD). PL 1989, c. 875, §§E1,2 (AMD). PL 1989, c. 878, §§A3,4 (AMD). PL 1989, c. 890, §§A1,40 (AMD). PL 1991, c. 528, §E1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 579, §1 (AMD). PL 1991, c. 579, §19 (AFF). PL 1991, c. 591, §E1 (AMD). PL 1991, c. 626, §1 (AMD). PL 1991, c. 780, §§Y1-5,RR1 (AMD). PL 1991, c. 837, §B1 (AMD). PL 1991, c. 841, §1 (AMD). PL 1991, c. 885, §A1 (AMD). PL 1991, c. 885, §§A9-11 (AFF). PL 1993, c. 349, §§1,2 (AMD). PL 1993, c. 410, §§L1,CCC1 (AMD). PL 1995, c. 309, §§1,2 (AMD). PL 1995, c. 309, §29 (AFF). PL 1995, c. 368, §§GG1,UU1 (AMD). PL 1995, c. 395, §C1 (AMD). PL 1995, c. 462, §A1 (AMD). PL 1995, c. 465, §§A1,2 (AMD). PL 1995, c. 465, §C2 (AFF). PL 1995, c. 494, §1 (AMD). PL 1995, c. 502, §§E1,32,F1, H1 (AMD). PL 1995, c. 560, §§K1,2 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 665, §K1 (AMD). PL 1997, c. 455, §§1,32 (AMD). PL 1997, c. 459, §1 (AMD). PL 1997, c. 643, §§H1,2,Q1-3 (AMD). PL 1999, c. 259, §§1,2 (AMD). PL 1999, c. 556, §2 (AMD). PL 1999, c. 731, §F1 (AMD). PL 1999, c. 784, §1 (AMD). PL 2001, c. 44, §11 (AMD). PL 2001, c. 44, §14 (AFF). PL 2001, c. 182, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 708, §1 (AMD). PL 2003, c. 469, §A1 (AMD). PL 2003, c. 510, §A1 (AMD). PL 2003, c. 608, §1 (AMD). PL 2003, c. 689, §§C1-3 (AMD). PL 2005, c. 12, §SS2 (AMD). PL 2005, c. 397, §§A1,2 (AMD). PL 2005, c. 405, §§D1-4 (AMD). PL 2005, c. 412, §§1-3 (AMD). PL 2005, c. 683, §§A1,2 (AMD). PL 2007, c. 1, Pt. F, §1 (AMD). PL 2007, c. 240, Pt. HH, §1 (AMD). PL 2007, c. 273, Pt. B, §§1, 2 (AMD). PL 2007, c. 273, Pt. B, §7 (AFF). PL 2007, c. 539, Pt. N, §§1, 2 (AMD). PL 2007, c. 695, Pt. A, §5 (AMD). PL 2007, c. 695, Pt. A, §47 (AFF). PL 2009, c. 419, §1 (AMD). PL 2011, c. 286, Pt. B, §5 (REV). PL 2011, c. 380, Pt. WWW, §1 (AMD). PL 2011, c. 655, Pt. CC, §1 (AMD). PL 2011, c. 655, Pt. CC, §4 (AFF). PL 2011, c. 655, Pt. I, §§1, 2 (AMD). PL 2011, c. 655, Pt. I, §11 (AFF). PL 2011, c. 655, Pt. KK, §2 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. Y, §§1-3 (AMD). PL 2013, c. 405, Pt. A, §§1, 2 (AMD). PL 2013, c. 491, §1 (AMD). PL 2015, c. 267, Pt. HHH, §§1, 2 (AMD). PL 2015, c. 267, Pt. IIII, §1 (AMD). PL 2015, c. 267, Pt. RRR, §§1, 2 (AMD). PL 2017, c. 284, Pt. QQQQ, §1 (AMD). PL 2019, c. 343, Pt. D, §1 (AMD). PL 2019, c. 343, Pt. OOO, §1 (AMD). PL 2019, c. 343, Pt. XXX, §§1, 2 (AMD). PL 2019, c. 377, §6 (REV).

§6-A. Salaries of commissioners and certain employees of the Public Utilities Commission

The salaries of the commissioners and certain employees of the Public Utilities Commission shall be as follows. [PL 1981, c. 452, §3 (RPR).]

1. Chair. The salary of the chair of the commission is equal to the salary of the Chief Justice of the Superior Court as established pursuant to Title 4, section 4, subsection 2-A and section 102, subsection 1.

[PL 1999, c. 398, Pt. H, §1 (AMD).]

1-A. Commission members.

[PL 1987, c. 402, Pt. A, §4 (RP).]

2. Commission members. The salary of members of the commission is equal to the salary of an Associate Justice of the Superior Court as established pursuant to Title 4, section 102, subsections 2 and 2-A.

[PL 1999, c. 398, Pt. H, §2 (AMD).]

3. Other employees. The salaries of the following employees are within salary range 53:

- A. General counsel; [PL 1981, c. 452, §3 (NEW).]
- B. Director of telephone and water utility industries; [PL 2009, c. 122, §1 (AMD).]
- C. Administrative Director; [PL 1985, c. 618, §1 (AMD).]
- D. Director of electric and gas utility industries; and [PL 2011, c. 420, Pt. A, §1 (AMD).]
- D-1. [PL 2011, c. 420, Pt. A, §2 (RP).]
- E. Director of consumer assistance and safety. [PL 2015, c. 8, §1 (AMD).]

[PL 2015, c. 8, §1 (AMD).]

3-A. Other employees; range 35. The salaries of the following employees are within salary range 35:

- A. Assistant administrative director. [PL 2007, c. 482, §1 (AMD).]
- B. [PL 2007, c. 482, §1 (RP).]
- C. [PL 2007, c. 482, §1 (RP).]

[PL 2007, c. 482, §1 (AMD).]

4. Legislative approval.

[PL 1983, c. 729, §2 (RP).]

5. Retirement contribution. The State shall pay the mandatory retirement contribution required by Title 5, section 17701, for commissioners who elect to become members of the Maine Public Employees Retirement System. Payment shall be made as provided in Title 5, section 17702. A commissioner may elect at the time of appointment to receive a 5% salary increase instead of state payment of the retirement contribution.

Membership in the Maine Public Employees Retirement System is optional.

[PL 1989, c. 502, Pt. A, §4 (AMD); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1977, c. 697, §2 (NEW). PL 1981, c. 452, §3 (RPR). PL 1981, c. 582, §1 (AMD). PL 1983, c. 344, §1 (AMD). PL 1983, c. 477, Pt. E, Subpt. 4 (AMD). PL 1983, c. 729, §§1,2 (AMD). PL 1983, c. 853, §§C1,C2 (AMD). PL 1983, c. 862, §1 (RAL). PL 1983, c. 863, §§B1-3,B45 (AMD). PL 1985, c. 618, §§1,2 (AMD). PL 1985, c. 693, §§2,3,14 (AMD). PL 1985, c. 737, §§A5,6 (AMD). PL 1985, c. 737, §C5 (AMD). PL 1987, c. 402, §§A4,A5 (AMD). PL 1987, c. 631, §1 (AMD). PL 1989, c. 502, §A4 (AMD). PL 1999, c. 398, §§H1,2 (AMD). PL 2005, c. 23, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 482, §1 (AMD). PL 2009, c. 122, §§1, 2 (AMD). PL 2011, c. 420, Pt. A, §§1, 2 (AMD). PL 2015, c. 8, §1 (AMD).

§6-B. Salaries of certain employees of the Maine Health Care Finance Commission

(REPEALED)

SECTION HISTORY

PL 1983, c. 579, §1 (NEW). PL 2007, c. 466, Pt. A, §1 (RP).

§6-C. Salary of Executive Director of the Board of Licensure in Medicine

Notwithstanding any other provision of law, the salary of the Executive Director of the Board of Licensure in Medicine shall be within salary range 89. [PL 1993, c. 600, Pt. B, §21 (AMD).]

SECTION HISTORY

PL 1987, c. 178, §1 (NEW). PL 1993, c. 600, §B21 (AMD).

§6-D. Salary of the Executive Director of the Maine Public Employees Retirement System

Notwithstanding Title 5, section 17105, subsection 3, the salary of the Executive Director and deputy directors appointed by the Executive Director of the Maine Public Employees Retirement System are established by the Board of Trustees of the Maine Public Employees Retirement System and may not exceed the maximum rate of salary that may be received by a state employee. [PL 1993, c. 410, Pt. L, §2 (AMD); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1989, c. 483, §A2 (NEW). PL 1993, c. 410, §L2 (AMD). PL 2007, c. 58, §3 (REV).

§6-E. Salaries of certain employees of the Workers' Compensation Board

Notwithstanding any other provision of law, the salaries of the following employees of the Workers' Compensation Board are established by the Workers' Compensation Board and must be within the salary ranges indicated in this section. [PL 1993, c. 145, §1 (NEW).]

1. Executive director.

[PL 2003, c. 608, §2 (RP).]

2. General counsel. The salary of the general counsel is within salary range 89.

[PL 2007, c. 312, §1 (AMD).]

3. Deputy general counsel. The salary of the deputy general counsel is within salary range 85.

[PL 1993, c. 145, §1 (NEW).]

4. Assistants to the general counsel. The salary of the assistants to the general counsel is within salary range 82.

[PL 1993, c. 145, §1 (NEW).]

5. Deputy directors. The salary of the deputy directors is within the following salary ranges:

A. Deputy Director of Medical/Rehabilitation Services, Range 85; [PL 1999, c. 354, §1 (RPR).]

B. Deputy Director of Business Services, Range 85; [PL 2005, c. 498, §1 (AMD).]

C. Deputy Director of Benefits Administration, Range 85; and [PL 2005, c. 498, §2 (AMD).]

D. [PL 1999, c. 354, §1 (RP).]

E. Deputy Director of Information Management, Range 85. [PL 2005, c. 498, §3 (NEW).]

[PL 2005, c. 498, §§1-3 (AMD).]

6. Administrative law judges. The salary of the administrative law judges is within salary range 90.

[PL 2015, c. 297, §1 (AMD).]

7. Mediators. The salary of the mediators is within salary range 80.

[PL 1993, c. 145, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 145, §1 (NEW). PL 1999, c. 354, §1 (AMD). PL 2003, c. 608, §2 (AMD). PL 2005, c. 498, §§1-3 (AMD). PL 2007, c. 312, §1 (AMD). PL 2015, c. 297, §1 (AMD).

§7. Constitutional officers and regulatory boards

(REPEALED)

SECTION HISTORY

PL 1967, c. 542 (NEW). PL 1971, c. 531, §2 (AMD). PL 1971, c. 550, §1 (AMD). PL 1973, c. 509, §3 (RPR). PL 1973, c. 788, §§2-A (RPR). P&SL 1975, c. 147, §C4 (RPR). PL 1977, c. 675, §1 (AMD). PL 1977, c. 697, §3 (RPR). PL 1977, c. 709, §1 (AMD). PL 1979, c. 127, §4 (AMD). PL 1979, c. 544, §§1,2 (AMD). PL 1979, c. 548, §1 (AMD). PL 1979, c. 651, §3 (AMD). PL 1983, c. 477, Pt. E, Subpt. 2 (AMD). PL 1983, c. 853, §§A1,2,5 (AMD). PL 1983, c. 853, §§C3,18 (AMD). PL 1983, c. 863, §§B4,B45 (AMD). PL 1985, c. 693, §§4,14 (AMD). PL 1985, c. 737, §C5 (AMD). PL 1989, c. 502, §A5 (AMD). PL 1991, c. 885, §A2 (AMD). PL 1991, c. 885, §§A9-11 (AFF). PL 1995, c. 462, §A2 (RP).

§8. Land use mediation; obligation to participate

Agencies within the executive branch shall participate in mediation under Title 5, chapter 314, subchapter II, when requested to participate by the Court Alternative Dispute Resolution Service. [PL 2001, c. 184, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 537, §1 (NEW). PL 1997, c. 393, §A1 (AMD). PL 2001, c. 184, §1 (AMD).

§9. Governor's Energy Office

1. Office established. The Governor's Energy Office, referred to in this section as "the office," is established in the Executive Department to carry out responsibilities of the State relating to energy resources, planning and development. The office is directly responsible to the Governor. [PL 2011, c. 655, Pt. MM, §1 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

2. Director. The office is under the control and supervision of the Director of the Governor's Energy Office, referred to in this section as "the director." The director is appointed by the Governor and serves at the pleasure of the Governor. [PL 2011, c. 655, Pt. MM, §1 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

2-A. Funding. The office is funded in accordance with this subsection.

A. The office is funded by federal funds that are available to and received by the office. Such federal funds may be applied to support the personal services and all other costs of the office. [PL 2011, c. 655, Pt. MM, §2 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

B. To the extent federal funds are inadequate to meet the funding needs of the office, the office may receive funds from the Efficiency Maine Trust, established in Title 35-A, chapter 97, but only for that portion of the office's activities that support or reasonably relate to programs or activities of the Efficiency Maine Trust. The director shall keep an accounting of the office's resources devoted to its various duties and activities, including that portion of its resources devoted to activities in support of or reasonably related to programs or activities of the Efficiency Maine Trust. The office shall provide the accounting to the joint standing committee of the Legislature having jurisdiction over energy matters as part of its annual report under subsection 3, paragraph C-1. The joint standing committee of the Legislature having jurisdiction over energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with regard to any proposed allocation of the Efficiency Maine Trust funds to support the office. In accordance with any legislative allocation or deallocation of Efficiency Maine Trust funds to support the office, the director shall request from the Efficiency Maine Trust and the trust shall provide the allocated resources to the office. [PL 2013, c. 415, §1 (AMD).]

C. Any additional funding of the office must be provided from the General Fund or other available resources. [PL 2011, c. 655, Pt. MM, §2 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]
[PL 2013, c. 415, §1 (AMD).]

3. Duties. The director is responsible for the execution of the duties of the office. The director shall:

A. Serve as a member of the Efficiency Maine Trust Board, established under Title 5, section 12004-G, subsection 10-C; [PL 2009, c. 372, Pt. H, §2 (AMD).]

B. In collaboration with the relevant state agencies, coordinate state energy policy and actively foster cooperation with the Efficiency Maine Trust, established in Title 35-A, chapter 97; [PL 2009, c. 372, Pt. H, §2 (AMD).]

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets.

(1) Beginning in 2015, the update to the plan must:

(a) Be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters;

(b) Address the association between energy planning and meeting the greenhouse gas reduction goals in the state climate action plan pursuant to Title 38, section 577. The director shall consult with the Department of Environmental Protection in developing this portion of the plan;

(c) Include a section devoted to wind energy development, including:

(i) The State's progress toward meeting the wind energy development goals established in Title 35-A, section 3404, subsection 2, including an assessment of the likelihood of achieving the goals and any recommended changes to the goals;

(ii) Examination of the permitting process and any recommended changes to the permitting process;

(iii) Identified successes in implementing the recommendations contained in the February 2008 final report of the Governor's Task Force on Wind Power Development created by executive order issued May 8, 2007;

(iv) A summary of tangible benefits provided by expedited wind energy developments, including, but not limited to, documentation of community benefits packages and community benefit agreement payments provided;

(v) A review of the community benefits package requirement under Title 35-A, section 3454, subsection 2, the actual amount of negotiated community benefits packages relative to the statutorily required minimum amount and any recommended changes to community benefits package policies;

- (vi) Projections of wind energy developers' plans, as well as technology trends and their state policy implications;
- (vii) Recommendations, including, but not limited to, identification of places within the State's unorganized and deorganized areas for inclusion in the expedited permitting area established pursuant to Title 35-A, chapter 34-A and the creation of an independent siting authority to consider wind energy development applications;
- (d) Include a description of activities undertaken pursuant to paragraph H; and
- (e) Include a description of the State's activities relating to the expansion of natural gas service, any actions taken by the office to expand access to natural gas in the State and any recommendations for actions by the Legislature to expand access to natural gas in the State.

The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation by February 1st of each odd-numbered year relating to the content of the plan. The joint standing committee of the Legislature having jurisdiction over natural resources matters may make recommendations regarding that legislation to the joint standing committee of the Legislature having jurisdiction over energy matters. [PL 2013, c. 541, §1 (AMD).]

C-1. By January 15th of each year, prepare and submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters an annual report that describes the activities of the office during the previous calendar year in carrying out its duties under this subsection and describes the State's progress in implementation of the state energy plan prepared pursuant to paragraph C and its annual accounting pursuant to subsection 2-A, paragraph B. After receipt and review of the annual report required under this paragraph, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation relating to energy policy; [PL 2013, c. 415, §3 (AMD).]

D. In collaboration with other relevant state agencies, private industry and nonprofit organizations, collect and analyze energy data, including, but not limited to, data on energy supply, demand and costs in this State with consideration of all available energy sources; [PL 2007, c. 656, Pt. C, §1 (NEW).]

E. Coordinate the dissemination of energy information to the public and the media; [PL 2007, c. 656, Pt. C, §1 (NEW).]

F. Provide technical assistance and information to the Governor and the Legislature regarding the State's short-range and long-range energy needs and the resources to meet those needs; [PL 2007, c. 656, Pt. C, §1 (NEW).]

G. Seek, accept and administer funds from public and private sources and develop partnerships with public and private entities to support the goals of the office, including, but not limited to, promoting energy efficiency, demand-side management and distributed generation; [PL 2011, c. 655, Pt. MM, §3 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

H. Work with transmission and distribution utilities, state agencies involved in the permitting of energy generation facilities and other relevant entities to negotiate agreements that create value for electricity consumers with developers of renewable generation who are interested in building energy generation facilities or developing or utilizing energy transmission infrastructure in this State. This paragraph does not authorize the director to be a signatory to any such agreement unless that authority is otherwise granted by law. [PL 2013, c. 415, §4 (AMD).]

I. Monitor energy transmission capacity planning and policy affecting this State and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122 and make recommendations to the Governor and the Legislature as necessary for changes to the

relevant laws and rules to facilitate energy infrastructure planning and development; and [PL 2007, c. 656, Pt. C, §1 (NEW).]

J. Take action as necessary to carry out the goals and objectives of the state energy plan prepared pursuant to paragraph C including lowering the total cost of energy to consumers in this State. [PL 2011, c. 55, §2 (AMD).]
[PL 2013, c. 541, §1 (AMD).]

4. Advice to state agencies. The director shall advise state agencies regarding energy-related principles for agencies to consider, along with the laws and policies governing those agencies, in conjunction with the sale, lease or other allowance for use of state-owned land or assets for the purpose of development of energy infrastructure. For the purposes of this subsection, "state-owned" and "energy infrastructure corridor" have the same meanings as in Title 35-A, section 122, subsection 1. At a minimum, the director shall consider the following principles in advising state agencies under this subsection:

- A. The principles for the determination of the long-term public interest of the State as specified in Title 35-A, section 122, subsection 1-D, paragraph B; [PL 2009, c. 655, Pt. C, §2 (NEW).]
- B. Avoiding wherever possible the use of lands subject to the provisions of the Constitution of Maine, Article IX, Section 23; [PL 2009, c. 655, Pt. C, §2 (NEW).]
- C. Maximizing the benefit realized from the State's strategic location within New England and the northeastern region; and [PL 2009, c. 655, Pt. C, §2 (NEW).]
- D. Complying with the provisions of the memorandum of agreement between the Maine Turnpike Authority and the Department of Transportation under Title 35-A, section 122, subsection 1-C, when applicable. [PL 2009, c. 655, Pt. C, §2 (NEW).]

Nothing in this subsection alters any of the responsibilities or limits any of the authority of the Department of Administrative and Financial Services, Bureau of General Services pursuant to Title 5. Nothing in this subsection alters or limits the ability of departments or agencies of the State, along with the Bureau of General Services pursuant to Title 5, to generate or cogenerate energy at state facilities for use on site and elsewhere.

[PL 2009, c. 655, Pt. C, §2 (NEW).]

5. Oil dependence reduction plan. The office, with input from stakeholders and in consultation with the Efficiency Maine Trust, shall develop a plan to reduce the use of oil in all sectors of the economy in this State. The plan must:

- A. Be designed to achieve the targets of reducing the State's consumption of oil by at least 30% from 2007 levels by 2030 and by at least 50% from 2007 levels by 2050; [PL 2011, c. 400, §2 (NEW).]
- B. Focus on near-term policies and infrastructure changes that set the State on a reasonable trajectory to meet the 2030 and 2050 targets in paragraph A; [PL 2011, c. 400, §2 (NEW).]
- C. Prioritize the improvement of energy efficiency and the transition to the use of alternative energy sources for heating and transportation; and [PL 2011, c. 400, §2 (NEW).]
- D. Draw on existing state data and studies rather than new analyses, including, but not limited to, analyses and data from the State's climate action plan pursuant to Title 38, section 577 and the progress updates to the climate action plan under Title 38, section 578, the comprehensive state energy plan pursuant to subsection 3, paragraph C, the Efficiency Maine Trust's triennial plan pursuant to Title 35-A, section 10104, subsection 4 and analyses completed by the Federal Government, nonprofit organizations and other stakeholders. [PL 2011, c. 400, §2 (NEW).]

[PL 2011, c. 400, §2 (NEW).]

6. Maine Energy Resources Development Program. The Maine Energy Resources Development Program, referred to in this subsection as "the program," is established to promote energy research and demonstration activities related to both the use of indigenous, renewable resources and more efficient use of energy. The office, as funding allows, shall administer the program. The director may accept private money for the purpose of funding the program.

A. The director shall include, in the comprehensive state energy plan under subsection 3, paragraph C, a report that specifies, in regard to the program, the expenditure of program funds, the purposes for which the funds were used and the amount of the funds and the sources from which the funds were derived. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

B. For all proposed program expenditures of \$10,000 or more, the director shall seek approval for those expenditures from the Governor. If the Governor approves, the director shall seek approval for those expenditures from the Legislature under the procedures authorizing the transfer of funds set forth in Title 5, section 1585. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

[PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

7. Reporting of petroleum inventories and deliveries. The following provisions govern the reporting of petroleum inventories and deliveries.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings:

(1) "Petroleum product" means propane; gasoline; unleaded gasoline; gasohol; kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline; #4, #5 and #6 residual oil for utility and nonutility uses; and Bunker C oil;

(2) "Primary storage facility" means a facility that receives petroleum products into the State by pipeline or by ship; and

(3) "Primary supplier" means a refiner, marketer, distributor, firm or person who makes the first sale of any petroleum product to resellers or consumers in this State. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

B. Each owner or lessee of a primary storage facility in the State shall make an accurate report of petroleum inventories and deliveries on the first and 3rd Monday of each month to the office on a form provided by the director. The form must contain a conspicuous statement of the penalties provided in paragraph D and must require, with regard to the owner's or lessee's primary storage facility, the following information:

(1) The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and

(2) The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the director. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

C. Each primary supplier of petroleum products shall make an accurate report of actual and anticipated deliveries on the 3rd Monday of each month to the office on a form provided by the director, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties provided in paragraph D and must require the following information:

(1) Actual deliveries of all petroleum products in this State during the preceding calendar month;

(2) Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the director; and

(3) Allocation fractions for all petroleum products for the following month or for any longer period established by the director. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

D. A person who violates this subsection is subject to the following penalties.

(1) An owner or lessee of a primary storage facility or a primary supplier who fails to provide the information required by this subsection commits a Class D crime. Violation of this subparagraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

(2) An owner or lessee of a primary storage facility or a primary supplier who knowingly or recklessly supplies false or misleading information is guilty of a violation of Title 17-A, section 453. An owner or lessee of a primary storage facility who supplies false or misleading information commits a civil violation for which a fine of \$2,500 may be adjudged. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

E. The office shall provide reports to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as follows:

(1) If the office determines, based on available information, that there is or may be a significant shortfall in supply inventories or anticipated deliveries into the State of home heating oil or kerosene, the office shall provide a report including:

(a) The information that suggests a supply shortfall;

(b) Current and anticipated inventories of home heating oil and kerosene storage supplies;

(c) Any recommendations of the office for actions by the State in response to the anticipated supply shortfall; and

(d) A report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State, at the request of the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. [PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

[PL 2011, c. 655, Pt. MM, §4 (NEW); PL 2011, c. 655, Pt. MM, §26 (AFF).]

SECTION HISTORY

PL 2007, c. 656, Pt. C, §1 (NEW). PL 2009, c. 372, Pt. H, §§1, 2 (AMD). PL 2009, c. 655, Pt. C, §§1, 2 (AMD). RR 2011, c. 2, §1 (COR). PL 2011, c. 55, §§1, 2 (AMD). PL 2011, c. 400, §§1, 2 (AMD). PL 2011, c. 655, Pt. MM, §§1-4 (AMD). PL 2011, c. 655, Pt. MM, §26 (AFF). PL 2013, c. 415, §§1-4 (AMD). PL 2013, c. 541, §1 (AMD).

§10. Governor's Office of Communications

1. Office established. The Governor's Office of Communications, referred to in this section as "the office," is established to consolidate, coordinate and streamline communication functions in State Government. The office is administered by the Executive Department.

[PL 2011, c. 380, Pt. WWW, §2 (NEW).]

2. Director. The office is under the control and supervision of the Director of the Governor's Office of Communications. The director is appointed by the Governor and serves at the pleasure of the Governor.

[PL 2011, c. 380, Pt. WWW, §2 (NEW).]

3. Coordination with departments and agencies. The office shall provide coordinated public communication services to state departments and agencies.

[PL 2011, c. 380, Pt. WWW, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 380, Pt. WWW, §2 (NEW).

CHAPTER 3

EXECUTIVE COUNCIL

§51. Compensation and expense of members

(REPEALED)

SECTION HISTORY

P&SL 1971, c. 178, §2 (AMD). PL 1975, c. 771, §8 (RP).

§52. Expiration of orders at end of term; exceptions

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §8 (RP).

CHAPTER 5

STATE HEALTH PLANNING

§101. Duties of Governor

(REPEALED)

SECTION HISTORY

PL 2003, c. 469, §B1 (NEW). PL 2005, c. 369, §1 (AMD). PL 2005, c. 397, §C1 (AMD). PL 2005, c. 397, §C2 (AFF). PL 2011, c. 90, Pt. E, §1 (RP).

§102. Capital investment fund

(REPEALED)

SECTION HISTORY

PL 2003, c. 469, §B1 (NEW). PL 2005, c. 227, §1 (AMD). PL 2007, c. 94, §1 (AMD). PL 2009, c. 194, §1 (AMD). PL 2011, c. 213, §1 (RP).

§103. State Health Plan

(REPEALED)

SECTION HISTORY

PL 2003, c. 469, §B1 (NEW). PL 2005, c. 369, §§2-6 (AMD). PL 2009, c. 355, §§1-3 (AMD). PL 2011, c. 90, Pt. E, §2 (RP).

§104. Advisory Council on Health Systems Development

(REPEALED)

SECTION HISTORY

PL 2003, c. 469, §B1 (NEW). PL 2003, c. 689, §B6 (REV). PL 2007, c. 441, §1 (AMD). PL 2007, c. 539, Pt. N, §3 (AMD). PL 2009, c. 179, §1 (AMD). PL 2009, c. 609, §§1-3 (AMD). PL 2011, c. 90, Pt. E, §3 (RP).

§105. Rulemaking

(REPEALED)

SECTION HISTORY

PL 2003, c. 469, §B1 (NEW). PL 2011, c. 691, Pt. D, §1 (RP).

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