

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 253**

H. P. 205

House of Representatives, February 1, 1979

Referred to the Committee on Aging, Retirement and Veterans. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vincent of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning State Retirement Benefits for Police Officers and  
Firefighters.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, substantial and important interests of various state employees will be adversely affected before that date should this bill not be enacted into law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** PL 1975, c. 622, § 66, 2nd ¶, as amended by PL 1975, c. 742, § 4, is further amended to read:

Sections 22 and 51 ~~52 and 53~~ shall apply to all retirement allowances that are first payable on or after July 1, 1977; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to July 1, 1977 that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1977, shall be so

determined; except that as much of section 22 as applies to policemen and firefighters and sections 52 and 53 shall apply only to retirement allowances that are payable to persons who become members of the Maine State Retirement System on or after January 1, 1976, and shall not apply to retirement allowances for policemen and firefighters who are members of the Maine State Retirement System on or before December 31, 1975, which members shall receive retirement allowances based upon the provisions of chapter 101 in effect immediately prior to July 1, 1977, except that such members shall receive an additional 2% of the member's average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

**Sec. 2.** PL 1975, c. 622, § 66, 4th ¶, as enacted by PL 1975, c. 742, § 4, is amended to read:

Sections ~~41~~ 44, 46, 50 and 50-A, and as much of sections 38-B and 49-A that apply to members who are state employees, shall apply to all retirement allowances that are first payable on or after July 1, 1976; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to July 1, 1976, that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1976, shall be so determined; and section 41 shall apply to retirement allowances payable to any member of the State Police, who became a member of that department on or after January 1, 1976, and that retirement allowances payable to members of the State Police, who became members of that department on or before December 31, 1975, shall be determined under the provisions of chapter 101 in effect immediately prior to January 1, 1976, except that these members shall receive an additional 2% of the member's average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

**Emergency Clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This bill reinstates the rights of some individual members of the Maine State Retirement System to the retirement allowance to which they were entitled and which they anticipated at the time they chose to enter into or to remain in their employment as police officers or firefighters. This bill allows members of the Retirement System, employed as police officers or firefighters, on or before December 31, 1975, to receive the pension to which they were entitled under the statutes then in effect.

This bill will be an incentive for those employed on or before December 31, 1975 as police officers or firefighters to continue their employment until the date of their normal retirement. This bill will prevent a loss of qualified police officers and firefighters to the cities and towns of Maine as well as to the State of Maine and will prevent the need to expend large sums of money to train and educate new employees to fill the openings left by the resignation of police officers or firefighters whose expected retirement benefits are being arbitrarily altered.