

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TENTH LEGISLATURE  
5

6 **Legislative Document**

**No. 1805**

7  
8 H. P. 1820 House of Representatives, January 12, 1982  
9 Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

Referred to the Committee on Aging, Retirement and Veterans and  
ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Curtis of Waldoboro.

11 Cosponsors: Senator Sewall of Lincoln, Representative Soule of  
12 Westport and Representative Holloway of Edgecomb.  
13

14 **STATE OF MAINE**  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-TWO  
18

19 **AN ACT to Authorize Lincoln County to Withdraw**  
20 **from the Maine State Retirement System.**  
21

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

25 Whereas, the employees of Lincoln County are currently  
26 participating in the Maine State Retirement System in addi-  
27 tion to participating in the Social Security System; and

28 Whereas, the benefit plans of these 2 systems are, to a  
29 certain extent, duplicative; and

30 Whereas, it is needlessly expensive for the employees  
31 and the employers to continue to fund both retirement plans;  
32 and

1       Whereas, this burdensome expense and duplicative bene-  
2       fit coverage should be reduced as soon as possible; and

3       Whereas, in the judgment of the Legislature, these  
4       facts create an emergency within the meaning of the Consti-  
5       tution of Maine and require the following legislation as  
6       immediately necessary for the preservation of the public  
7       peace, health and safety; now, therefore,

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

9       **Sec. 1. Withdrawal from Maine State Retirement System**  
10      **authorized; procedure.** The county commissioners of Lincoln  
11      County hereinafter called "the district" presently a parti-  
12      cipating local district in the Maine State Retirement Sys-  
13      tem, hereinafter called "the system" are authorized to with-  
14      draw from further participation in the system upon the terms  
15      and conditions hereinafter set forth.

16      The withdrawal shall be accomplished by a majority vote  
17      of the county commissioners at any duly warned, called and  
18      held meeting thereof. Upon the vote the chief fiscal offi-  
19      cer of the district shall certify the same to the trustees  
20      of the system and the withdrawal shall become effective on  
21      the last day of the calendar month in which the certificate  
22      is received by the trustees.

23      **Sec. 2. Certain withdrawals of contributions author-**  
24      **ized.** Any employee of the agency who has made contributions  
25      to the system may withdraw the contributions in the manner  
26      provided by the Revised Statutes, Title 5, section 1096, as  
27      amended; provided that an application for the withdrawal  
28      shall be made not later than one year after the effective  
29      date of withdrawal by the agency from the system.

30      **Sec. 3. Effect of withdrawal.**

31      1. Any employee of the agency who withdraws his con-  
32      tribution or any person who begins employment after the  
33      effective date of withdrawal of the agency from the system  
34      may not be a participant in the Maine State Retirement Sys-  
35      tem as an employee of Lincoln County.

36      2. Lincoln County shall continue to be a local parti-  
37      cipating district for those former employees who are receiv-  
38      ing retirement allowances or who are eligible for retirement  
39      benefits and all employees as of the effective date of with-  
40      drawal who have not withdrawn their contributions from the

1 system. For the purposes of this subsection, those employ-  
2 ees remaining in the system and Lincoln County are subject  
3 to the Revised Statutes, Title 5, chapter 101.

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

6 STATEMENT OF FACT

7 This bill allows Lincoln County to withdraw from the  
8 retirement system prospectively. Any employee who was a  
9 member of the retirement system prior to the effective date  
10 of this bill will be allowed to remain in the current  
11 retirement system. All new employees after that date will  
12 be ineligible for membership in that retirement system.  
13 This bill retains the special provision which allows current  
14 members of the system one year to withdraw their contribu-  
15 tions if they so desire. It does not affect the withdrawal  
16 provisions in the current law for those employees remaining  
17 in the system.