

# MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1497

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H.P. 1131

House of Representatives, April 19, 1983

Submitted by the Department of Conservation pursuant to Joint Rule 24.  
Referred to the Committee on Aging, Retirement and Veterans. Sent up  
for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Clark of Millinocket.

Cosponsors: Senator Pray of Penobscot, Representative Dexter of  
Kingfield and Representative Rotondi of Athens.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

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AN ACT to Remove Spruce Budworm Spray  
Project Personnel from the Maine State  
Retirement System.

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

Whereas, project personnel will be hired for the  
1983 spruce budworm spray program prior to 90 days  
before adjournment of the Legislature; and

Whereas, many of the people hired for the project  
will be in state employment only for the duration of  
the project; and

Whereas, the exclusion of those personnel from  
the Maine State Retirement System will reduce the  
cost of the suppression project and may reduce the

1 cost of the 1983 project if this Act is effective  
2 immediately upon signature by the Governor; and

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

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

11 5 MRSA §1091, sub-§4-A is enacted to read:

12 4-A. Spruce budworm suppression project person-  
13 nel. Project personnel hired for a suppression  
14 project authorized by Title 12, chapter 803, subchap-  
15 ter IV-A, shall not be eligible for membership for  
16 the term of their employment as project personnel.  
17 For purposes of this section, "project personnel"  
18 means only those personnel, not already members of  
19 the system, hired solely for a planned work program  
20 to be completed within a specified, limited period of  
21 time and which is not of a seasonal nature, as de-  
22 defined by the Personnel Law. Employment as project  
23 personnel under this section shall not be considered  
24 prior service for the purposes of section 1094, sub-  
25 section 1.

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

29 STATEMENT OF FACT

30 The Maine Spruce Budworm Management Act author-  
31 izes the Maine Forest Service to conduct a suppres-  
32 sion program, financed by private forest landowners.  
33 Personnel for this program typically are hired in the  
34 spring for a period of 4 to 6 weeks to assist in the  
35 operations of the program. They are required to pay  
36 into the retirement system and then typically with-  
37 draw their contribution. They must wait several

1 weeks for the return of those funds. At the same  
2 time, the General Fund pays the employer's share and  
3 is reimbursed by the landowner. That contribution  
4 stays with the retirement system even if the project  
5 personnel withdraw. This practice has been identi-  
6 fied by the forest service as on place the cost of  
7 the program can be reduced.

8 The annual payroll for project personnel in the  
9 spruce budworm suppression project is apporximately  
10 \$290,000. At a rate of 15.7%, the Department of Con-  
11 servation will contribute \$45,530. This cost is  
12 passed on to the landowners and is not recovered at  
13 the end of the project when personnel withdraw their  
14 contributions. The employee contribution, which is  
15 usually withdrawn at the end of the project is esti-  
16 mated at \$18,560.

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