

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1836

H.P. 1360

House of Representatives, January 30, 2004

### **An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUPREY of Medway.  
Cosponsored by Senator STANLEY of Penobscot and  
Representatives: BREault of Buxton, COLLINS of Wells, GOODWIN of Pembroke,  
LANDRY of Sanford, LUNDEEN of Mars Hill, PEA VEY-HASKELL of Greenbush,  
Senators: MARTIN of Aroostook, MAYO of Sagadahoc.

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

2  
4       **Sec. 1. 5 MRSA §17760, sub-§2**, as amended by PL 2001, c. 114,  
§§1 to 3, is further amended to read:

6       **2. Service before becoming a member.** A member who served as  
7 a full-time active duty member of the ~~armed-forces~~ United States  
8 Armed Forces before becoming a member of the retirement system is  
9 entitled to service credit for the period of time ~~he~~ that the  
10 member served in the armed forces, under the following terms and  
11 conditions.

12           A. Except as provided in paragraph G, on the date of  
13 retirement, the member must have at least 15 years of  
14 creditable service.

15           C. The member must have separated from the ~~armed-forces~~  
16 United States Armed Forces under conditions other than  
17 dishonorable.

18           D. Except as provided in paragraph E, the member must have  
19 begun membership before January 1, 1976.

20           E. Except as provided in paragraph G, a member who served  
21 in the ~~armed-forces~~ United States Armed Forces during any  
22 federally recognized period of conflict, ~~as defined in Title~~  
23 ~~37-B, section 504, subsection 4, paragraph A-1, subparagraph~~  
24 ~~{3}~~ who is certified to be a wartime veteran by the  
25 Department of Defense, Veterans and Emergency Management,  
26 Bureau of Veterans' Services, or who was awarded an Armed  
27 Forces Expeditionary Medal, is entitled to service credit  
28 under this subsection.

29           F. Upon complete payment of the back contributions under  
30 section 17713, the member shall ~~shall~~ must be granted service  
31 credit for the period of time for which the contributions  
32 have been made. Upon making partial payment of the back  
33 contributions under section 17713, the member shall ~~shall~~ must be  
34 granted service credit on a pro rata basis in accordance  
35 with rules adopted by the board.

36           G. A member who fails to meet one or more of the terms and  
37 conditions required under paragraphs A, D and E may purchase  
38 service credit as provided in this paragraph. The member  
39 must have at least 5 years of creditable service and, before  
40 any retirement benefit becomes effective for that member,  
41 must pay into the Members' Contribution Fund, by a single  
42 direct payment or annual direct payments to the retirement  
43 system, an amount that, together with regular interest on  
44 that amount, is the actuarial equivalent, at the effective  
45 date of the retirement benefit, of the portion of the  
46 retirement benefit based on the additional creditable  
47 service. Annual direct payments must be made in accordance

2 with section 17701, subsection 4. Any member who purchases  
3 service credit under this paragraph who subsequently,  
4 without inclusion of the purchased service credit and prior  
5 to retirement, meets the terms and conditions of paragraphs  
6 A, D and E is entitled to purchase the service credit under  
7 section 17713, subsection 2 and to receive a refund of the  
8 amount paid under this paragraph that exceeds the cost to  
9 purchase the service credit under section 17713.

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### SUMMARY

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13 This bill clarifies that a member of the Maine State  
14 Retirement System who was awarded an Armed Forces Expeditionary  
15 Medal is entitled to purchase service credit that is calculated  
16 at the contribution rate in effect during the member's period of  
17 service in the United States Armed Forces.

18

19 This bill also replaces a reference to "federally recognized  
20 period of conflict," which was contained in a section of law that  
was repealed.