

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1104

H.P. 808

House of Representatives, March 5, 2019

**An Act To Clarify the State's Commitments Concerning Certain
Public Service Retirement Benefits**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Old Town.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: GATTINE of Westbrook, MARTIN of Eagle Lake, WARREN of Hallowell,
Senators: DAVIS of Piscataquis, DILL of Penobscot, LIBBY of Androscoggin, POULIOT of
Kennebec, WOODSOME of York.

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

2 **Sec. 1. 5 MRSA §17801, sub-§1, ¶B**, as enacted by PL 1999, c. 489, §3, is
3 amended to read:

4 B. The protections established under the provisions listed in subparagraph (1)
5 constitute solemn contractual commitments of the State protected under the contract
6 clauses of the Constitution of Maine, Article I, Section 11 and the United States
7 Constitution, Article I, Section 10, under the terms and conditions set out in
8 subparagraph (2).

9 (1) The commitment provided by this section applies to the protections
10 established under the specific following provisions:

11 (a) Section 17001, subsection 4; and subsection 13, paragraph B,
12 subparagraph (1) and paragraph C, subparagraph (2);

13 (b) Section 17806, ~~subsection~~ subsections 1 to 4;

14 (c) The subsection of section 17851, that is applicable to each member;

15 (d) The paragraph of subsection 2 of section 17851-A, that is applicable to
16 each member;

17 (e) The paragraph of subsection 4 of section 17851-A, that is applicable to
18 each member; and

19 (f) The subsection of section 17852, that is applicable to each member.

20 (2) The commitment established in this paragraph attaches to a given provision
21 of those specified in subparagraph (1) when the member in question has met the
22 creditable service requirement set out in the given provision, on the basis of
23 which the protection established by the provision becomes effective.

24 **SUMMARY**

25 This bill changes the contractual commitment to maintain state-protected benefits
26 regarding cost-of-living adjustments for retired state employees and teachers by
27 specifying that it constitutes a solemn contractual commitment of the State that is
28 protected under the Constitution of Maine and the United States Constitution.