

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1208

H.P. 872

House of Representatives, March 12, 2019

**An Act To Expand the 1998 Special Retirement Plan To Include
Detectives in the Office of the Attorney General**

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 NADEAU of Winslow.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: CAMPBELL of Orrington, DOORE of Augusta, HARRINGTON of Sanford,
PICKETT of Dixfield, SKOLFIELD of Weld, TUCKER of Brunswick.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶L**, as amended by PL 2001, c. 646, §1, is
3 further amended to read:

4 L. Oil and hazardous materials emergency response workers in the employment of
5 the Department of Environmental Protection, Division of Response Services who
6 participate in a standby rotation on January 1, 2002 or ~~are~~ hired thereafter; ~~and~~

7 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶M**, as enacted by PL 2001, c. 646, §2 and
8 amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

9 M. Capitol Police officers in the employment of the Department of Public Safety,
10 Bureau of Capitol Police on July 1, 2002 or hired thereafter; and

11 **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶N** is enacted to read:

12 N. Detectives in the employment of the Office of the Attorney General on July 1,
13 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

14 **Sec. 4. 5 MRSA §17851-A, sub-§2**, as amended by PL 2017, c. 439, §1, is
15 further amended to read:

16 **2. Qualification for benefits.** A member employed in any one or a combination of
17 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002
18 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
19 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
20 employees identified in subsection 1, paragraphs I to K; any employee identified in
21 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,
22 paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a
23 service retirement benefit if that member either:

24 A. Is at least 55 years of age and has completed at least 10 years of creditable service
25 under the 1998 Special Plan in any one or a combination of the capacities; or

26 B. Has completed at least 25 years of creditable service in any one or a combination
27 of the capacities specified in subsection 1, whether or not the creditable service
28 included in determining that the 25-year requirement has been met was earned under
29 the 1998 Special Plan or prior to its establishment.

30 **Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2017, c. 439, §2, is
31 further amended to read:

32 A. For the purpose of meeting the qualification requirement of subsection 2,
33 paragraph A:

34 (1) Service credit purchased by repayment of an earlier refund of accumulated
35 contributions following termination of service is included only to the extent that
36 time to which the refund relates was served after June 30, 1998 and before
37 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
38 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;

1 ~~and~~ after December 31, 1999 for employees identified in subsection 1,
2 paragraphs I to K; and after June 30, 2020 for employees identified in subsection
3 1, paragraph N in any one or a combination of the capacities specified in
4 subsection 1. Service credit may be purchased for service by an employee
5 identified in subsection 1, paragraphs L and M regardless of when performed;
6 and

7 (2) Service credit purchased other than as provided under subparagraph (1),
8 including but not limited to service credit for military service, is not included.

9 **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.
10 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

11 A. If all of the member's creditable service in any one or a combination of the
12 capacities specified in subsection 1 was earned after June 30, 1998 and before
13 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
14 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
15 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
16 December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after
17 June 30, 2002 for employees identified in subsection 1, paragraph M; and after June
18 30, 2020 for employees identified in subsection 1, paragraph N; if service credit was
19 purchased by repayment of an earlier refund of accumulated contributions for service
20 in any one or a combination of the capacities specified in subsection 1 after June 30,
21 1998 and before September 1, 2002 for employees identified in subsection 1,
22 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
23 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
24 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
25 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,
26 paragraph M; and after June 30, 2020 for employees identified in subsection 1,
27 paragraph N; or if service credit was purchased by other than the repayment of an
28 earlier refund and eligibility to make the purchase of the service credit, including, but
29 not limited to, service credit for military service, was achieved after June 30, 1998
30 and before September 1, 2002 for employees identified in subsection 1, paragraphs A
31 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to
32 H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to
33 K; after December 31, 2001 for employees identified in subsection 1, paragraph L;
34 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and
35 after June 30, 2020 for employees identified in subsection 1, paragraph N, the benefit
36 must be computed as provided in section 17852, subsection 1, paragraph A.

37 (1) If the member had 10 years of creditable service on July 1, 1993, the benefit
38 under subsection 2, paragraph B must be reduced as provided in section 17852,
39 subsection 3, paragraphs A and B.

40 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,
41 the benefit under subsection 2, paragraph B must be reduced by 6% for each year
42 that the member's age precedes 55 years of age.

43 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2017, c. 439, §3, is
44 further amended to read:

1 B. Except as provided in paragraphs D, E and F, if some part of the member's
2 creditable service in any one or a combination of the capacities specified in
3 subsection 1 was earned before July 1, 1998 for employees identified in subsection 1,
4 paragraphs A to H; before January 1, 2000 for employees identified in subsection 1,
5 paragraphs I to K; before January 1, 2002 for employees identified in subsection 1,
6 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,
7 paragraph M; and before July 1, 2020 for employees identified in subsection 1,
8 paragraph N and some part of the member's creditable service in any one or a
9 combination of the capacities specified in subsection 1 was earned after June 30,
10 1998 and before September 1, 2002 for employees identified in subsection 1,
11 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
12 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
13 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
14 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,
15 paragraph M; and after June 30, 2020 for employees identified in subsection 1,
16 paragraph N, then the member's service retirement benefit must be computed in
17 segments and the amount of the member's service retirement benefit is the sum of the
18 segments. The segments must be computed as follows:

19 (1) The segment or, if the member served in more than one of the capacities
20 specified in subsection 1 and the benefits related to the capacities are not
21 interchangeable under section 17856, segments that reflect creditable service
22 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A
23 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs
24 I to K; before January 1, 2002 for employees identified in subsection 1,
25 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,
26 paragraph M; and before July 1, 2020 for employees identified in subsection 1,
27 paragraph N or purchased by repayment of an earlier refund of accumulated
28 contributions for service before July 1, 1998, for employees identified in
29 subsection 1, paragraphs A to H; before January 1, 2000 for employees identified
30 in subsection 1, paragraphs I to K; before January 1, 2002 for employees
31 identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees
32 identified in subsection 1, paragraph M; and before July 1, 2020 for employees
33 identified in subsection 1, paragraph N in a capacity or capacities specified in
34 subsection 1 or purchased by other than the repayment of a refund and eligibility
35 to make the purchase of the service credit, including, but not limited to, service
36 credit for military service, was achieved before July 1, 1998 for employees
37 identified in subsection 1, paragraphs A to H; before January 1, 2000 for
38 employees identified in subsection 1, paragraphs I to K; before January 1, 2002
39 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for
40 employees identified in subsection 1, paragraph M; and before July 1, 2020 for
41 employees identified in subsection 1, paragraph N, must be computed under
42 section 17852, subsection 1, paragraph A. If the member is qualified under
43 subsection 2, paragraph B and:

44 (a) Had 10 years of creditable service on July 1, 1993, the amount of the
45 segment or segments must be reduced as provided in section 17852,
46 subsection 3, paragraphs A and B; or

1 (b) Had fewer than 10 years of creditable service on July 1, 1993, the
2 amount of the segment or segments must be reduced as provided in section
3 17852, subsection 3-A; and

4 (2) The segment that reflects creditable service earned after June 30, 1998 and
5 before September 1, 2002 for employees identified in subsection 1, paragraphs A
6 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C
7 to H; after December 31, 1999 for employees identified in subsection 1,
8 paragraphs I to K; after December 31, 2001 for employees identified in
9 subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in
10 subsection 1, paragraph M; and after June 30, 2020 for employees identified in
11 subsection 1, paragraph N or purchased by repayment of an earlier refund of
12 accumulated contributions for service after June 30, 1998 and before September
13 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June
14 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
15 December 31, 1999 for employees identified in subsection 1, paragraphs I to K;
16 after December 31, 2001 for employees identified in subsection 1, paragraph L;
17 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M;
18 and after June 30, 2020 for employees identified in subsection 1, paragraph N in
19 any one or a combination of the capacities specified in subsection 1, or purchased
20 by other than the repayment of a refund and eligibility to make the purchase of
21 the service credit, including, but not limited to, service credit for military service,
22 was achieved after June 30, 1998 and before September 1, 2002 for employees
23 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees
24 identified in subsection 1, paragraphs C to H; after December 31, 1999 for
25 employees identified in subsection 1, paragraphs I to K; after December 31, 2001
26 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for
27 employees identified in subsection 1, paragraph M; and after June 30, 2020 for
28 employees identified in subsection 1, paragraph N must be computed under
29 section 17852, subsection 1, paragraph A. If the member is qualified under
30 subsection 2, paragraph B and:

31 (a) Had 10 years of creditable service on July 1, 1993, the segment amount
32 must be reduced in the manner provided in section 17852, subsection 3,
33 paragraphs A and B for each year that the member's age precedes 55 years of
34 age; or

35 (b) Had fewer than 10 years of creditable service on July 1, 1993, the
36 segment amount must be reduced by 6% for each year that the member's age
37 precedes 55 years of age.

38 **Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 2007, c. 491, §157, is
39 further amended to read:

40 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
41 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
42 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
43 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
44 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
45 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph

1 M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, a
2 member in the capacities specified in subsection 1 must contribute to the State Employee
3 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%
4 of earnable compensation until the member has completed 25 years of creditable service
5 as provided in this section and at the rate of 7.65% thereafter.

6 **Sec. 9. Transition.** If a detective in the employment of the Office of the Attorney
7 General on July 1, 2020 elects to participate in the 1998 Special Plan of the Maine Public
8 Employees Retirement System, as provided in the Maine Revised Statutes, Title 5,
9 section 17851-A, subsection 1, that detective must make that election not later than 180
10 days after the effective date of this Act.

11 **SUMMARY**

12 This bill allows detectives in the Office of the Attorney General to elect to participate
13 in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that
14 plan, a person may retire at 55 years of age with 10 years of creditable service or may
15 retire before 55 years of age with 25 years of creditable service and at a reduced benefit.