

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1395

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H.P. 1009

House of Representatives, March 26, 2019

**An Act To Create Fairness for Dispatchers in the Maine Public  
Employees Retirement System**

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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 SYLVESTER of Portland.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: CARDONE of Bangor, INGWERSEN of Arundel, MADIGAN of Waterville,  
McCREA of Fort Fairfield, MELARAGNO of Auburn, MEYER of Eliot, RYKERSON of  
Kittery, SHEATS of Auburn.

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

2 **Sec. 1. 5 MRSA §18313** is enacted to read:

3 **§18313. Dispatchers**

4 **1. Definition.** For the purposes of this chapter, "dispatcher" means a person whose  
5 primary employment duties consist of any combination of:

6 A. Acting as an emergency medical dispatcher as defined by Title 32, section 85-A,  
7 subsection 1, paragraph D;

8 B. Answering, directing or dispatching the response to public safety requests for  
9 service at a public safety answering point as defined by Title 25, section 2921,  
10 subsection 7;

11 C. Answering, directing or dispatching the response of emergency services for  
12 municipal fire protection pursuant to Title 30-A, chapter 153; or

13 D. Answering, directing or dispatching the response of law enforcement officers as  
14 defined by Title 25, section 2801-A, subsection 5.

15 **2. Contribution rate.** Except as provided in subsections 3 and 4, a dispatcher  
16 employed by a participating local district that provides a special retirement benefit under  
17 section 18453, subsection 4 or 5 shall contribute to the Participating Local District  
18 Retirement Program or must have pick-up contributions made by the employer at a rate of  
19 8% of earnable compensation as long as the person is employed as a dispatcher.

20 **3. Exception.** A participating local district may elect to reduce the rate of  
21 contribution set out in subsection 2 to 6.5% of earnable compensation for all dispatchers  
22 who continue employment after attaining eligibility for retirement during the remainder  
23 of their employment as dispatchers.

24 **4. Member contributions to Participating Local District Consolidated**  
25 **Retirement Plan.** The board may establish by rule the rate at which dispatchers who  
26 participate in the consolidated plan described in chapter 427 contribute to that plan. Rules  
27 adopted pursuant to this subsection are routine technical rules pursuant to chapter 375,  
28 subchapter 2-A.

29 **Sec. 2. 5 MRSA §18453, sub-§2,** as amended by PL 2013, c. 602, Pt. B, §2, is  
30 further amended to read:

31 **2. Employee Special Plan #2.** A retirement benefit to police officers, firefighters,  
32 sheriffs, full-time deputy sheriffs, county corrections employees, dispatchers, emergency  
33 medical services persons as defined in Title 32, section 83, subsection 12, including but  
34 not limited to first responders, emergency medical technicians, advanced emergency  
35 medical technicians and paramedics, or any other participating local district employees  
36 who have completed 20 to 25 years of creditable service, the number of years to be  
37 selected by the participating local district. For the purposes of this subsection, "county  
38 corrections employees" means employees of the county who are employed at a county jail

1 and whose duties include contact with prisoners or juvenile detainees. The benefits must  
2 be computed as follows:

3 A. Except as provided in paragraph B, 1/2 of the member's average final  
4 compensation; or

5 B. If the member's benefit would be greater, the part of the service retirement benefit  
6 based upon membership service before July 1, 1977 $\frac{1}{2}$ , is determined, on a pro rata  
7 basis, on the member's current annual salary on the date of retirement or current final  
8 compensation, whichever is greater, and the part of the service retirement benefit  
9 based upon membership service after June 30, 1977 $\frac{1}{2}$ , is determined in accordance  
10 with paragraph A.

11 **Sec. 3. 5 MRSA §18453, sub-§3**, as amended by PL 2013, c. 602, Pt. B, §3, is  
12 further amended to read:

13 **3. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan**  
14 **#1.** A retirement benefit equal to 1/2 of the member's average final compensation to a  
15 firefighter, including the chief of a fire department, ~~and a dispatcher or an emergency~~  
16 medical services person as defined in Title 32, section 83, subsection 12, including but  
17 not limited to a first responder, emergency medical technician, advanced emergency  
18 medical technician and paramedic, who has completed at least 25 years of creditable  
19 service in that capacity and who retires upon or after reaching age 55.

20 **Sec. 4. 5 MRSA §18453, sub-§4**, as amended by PL 2013, c. 602, Pt. B, §4, is  
21 further amended to read:

22 **4. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan**  
23 **#2.** A retirement benefit to a firefighter, including the chief of a fire department, ~~and a~~  
24 dispatcher or an emergency medical services person as defined in Title 32, section 83,  
25 subsection 12, including but not limited to a first responder, emergency medical  
26 technician, advanced emergency medical technician and paramedic, who has completed  
27 at least 25 years of creditable service in that capacity and who retires upon or after  
28 reaching age 55. The benefits ~~shall~~ must be computed as follows:

29 A. Except as provided in paragraph B, 2/3 of the member's average final  
30 compensation; or

31 B. If the member's benefit would be greater, the part of the service retirement benefit  
32 based upon membership service before July 1, 1977 $\frac{1}{2}$ , is determined, on a pro rata  
33 basis, on the member's current final compensation and the part of the service  
34 retirement benefit based upon membership service after June 30, 1977 $\frac{1}{2}$ , is determined  
35 in accordance with paragraph A.

36 **Sec. 5. 5 MRSA §18453, sub-§5**, as amended by PL 2013, c. 602, Pt. B, §5, is  
37 further amended to read:

38 **5. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan**  
39 **#3.** A retirement benefit to a firefighter, including the chief of a fire department, ~~and a~~  
40 dispatcher or an emergency medical services person as defined in Title 32, section 83,  
41 subsection 12, including but not limited to a first responder, emergency medical

1 technician, advanced emergency medical technician and paramedic, who has completed  
2 20 to 25 years of creditable service in that capacity, the number of years to be selected by  
3 the participating local district, and who retires at any age. The benefits ~~shall~~ must be  
4 computed as follows:

5 A. Except as provided under paragraph B, 2/3 of the member's average final  
6 compensation; or

7 B. If the member's benefit would be greater, the part of the service retirement benefit  
8 based upon membership service before July 1, 1977; is determined, on a pro rata  
9 basis, on the member's current final compensation and the part of the service  
10 retirement benefit based upon membership service after June 30, 1977; is determined  
11 in accordance with paragraph A.

## 12 SUMMARY

13 This bill adds dispatchers to the categories of participating local district employees  
14 for which a special retirement plan is available. Participating local districts that elect to  
15 cover their dispatchers by a more favorable special plan are responsible for the payment  
16 of any increased employer costs associated with such an election. Depending upon the  
17 plan that is elected, dispatchers may also pay an increased member contribution rate for  
18 participation in the more favorable special plan.