

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 579

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S.P. 260

In Senate, February 25, 2025

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**An Act to Include Certain Mental Health Workers Under the 1998  
Special Plan for Retirement**

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Received by the Secretary of the Senate on February 19, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.  
Cosponsored by Representative ROEDER of Bangor and  
Senator: BRADSTREET of Kennebec, Representative: DRINKWATER of Milford.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶P**, as amended by PL 2021, c. 474, §4, is  
3 further amended to read:

4 P. Detectives in the employment of the Office of the Attorney General on July 1, 2020  
5 who elect to participate in the 1998 Special Plan or hired thereafter; ~~and~~

6 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶Q**, as amended by PL 2023, c. 412, Pt. IIII,  
7 §1, is further amended to read:

8 Q. Until July 31, 2024, civilian employees whose job responsibilities include the  
9 handling, examination or analysis of digital or physical evidence in the employment of  
10 the Department of Public Safety, Maine State Police Crime Laboratory or computer  
11 crimes unit on October 1, 2021 or hired thereafter;

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

13 R. Persons in the employment of the Department of Health and Human Services on  
14 October 1, 2025 or hired thereafter who have responsibility for providing direct care to  
15 persons in need of mental health services in a community-based or residential setting  
16 or to residents or patients of mental health institutions in this State. For purposes of  
17 this paragraph, "direct care" means services or treatment essential to a person's security,  
18 health or well-being, except for case management services; and

19 **Sec. 4. 5 MRSA §17851-A, sub-§1, ¶S** is enacted to read:

20 S. Persons in the employment of the Department of Health and Human Services on  
21 October 1, 2025 or hired thereafter who have responsibility for providing crisis  
22 outreach and crisis services to adults with developmental disabilities or intellectual  
23 disabilities in a community-based or residential setting, except for an institutional  
24 setting.

25 **Sec. 5. 5 MRSA §17851-A, sub-§2**, as amended by PL 2021, c. 474, §6, is further  
26 amended to read:

27 **2. Qualification for benefits.** A member employed in any one or a combination of  
28 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
29 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
30 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
31 employees identified in subsection 1, paragraphs I to K; any employee identified in  
32 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,  
33 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,  
34 paragraph Q; after September 30, 2025 for employees identified in subsection 1, paragraphs  
35 R and S; and any employee identified in subsection 1, paragraph L, qualifies for a service  
36 retirement benefit if that member either:

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

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

1           **Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2021, c. 474, §7, is  
2 further amended by amending subparagraph (1) to read:

3           (1) Service credit purchased by repayment of an earlier refund of accumulated  
4 contributions following termination of service is included only to the extent that  
5 time to which the refund relates was served after June 30, 1998 and before  
6 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
7 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
8 after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
9 K; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P;  
10 and after September 30, 2021 for employees identified in subsection 1, paragraph  
11 Q in any one or a combination of the capacities specified in subsection 1. Service  
12 credit may be purchased for service by an employee identified in subsection 1,  
13 paragraphs L ~~and~~, M, R and S regardless of when performed; and

14           **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶A**, as amended by PL 2021, c. 474, §8, is  
15 further amended to read:

16           A. If all of the member's creditable service in any one or a combination of the  
17 capacities specified in subsection 1 was earned after June 30, 1998 and before  
18 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
19 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
20 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
21 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
22 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
23 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
24 2021 for employees identified in subsection 1, paragraph Q; and after September 30,  
25 2025 for employees identified in subsection 1, paragraphs R and S; if service credit  
26 was purchased by repayment of an earlier refund of accumulated contributions for  
27 service in any one or a combination of the capacities specified in subsection 1 after  
28 June 30, 1998 and before September 1, 2002 for employees identified in subsection 1,  
29 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
30 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
31 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
32 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph  
33 M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
34 after September 30, 2021 for employees identified in subsection 1, paragraph Q; and  
35 after September 30, 2025 for employees identified in subsection 1, paragraphs R and  
36 S; or if service credit was purchased by other than the repayment of an earlier refund  
37 and eligibility to make the purchase of the service credit, including, but not limited to,  
38 service credit for military service, was achieved after June 30, 1998 and before  
39 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
40 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
41 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
42 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
43 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
44 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
45 2021 for employees identified in subsection 1, paragraph Q; and after September 30,

1           2025 for employees identified in subsection 1, paragraphs R and S, the benefit must be  
2 computed as provided in section 17852, subsection 1, paragraph A.

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

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

9           **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2021, c. 474, §9, is  
10 further amended to read:

11           B. Except as provided in paragraphs D, E ~~and~~ F and G, if some part of the member's  
12 creditable service in any one or a combination of the capacities specified in subsection  
13 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs  
14 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I  
15 to K; before January 1, 2002 for employees identified in subsection 1, paragraph L;  
16 before July 1, 2002 for employees identified in subsection 1, paragraph M; before July  
17 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October  
18 1, 2021 for employees identified in subsection 1, paragraph Q; and before October 1,  
19 2025 for employees identified in subsection 1, paragraphs R and S and some part of  
20 the member's creditable service in any one or a combination of the capacities specified  
21 in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for  
22 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
23 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
24 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
25 employees identified in subsection 1, paragraph L; after June 30, 2002 for employees  
26 identified in subsection 1, paragraph M; after June 30, 2020 for employees identified  
27 in subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
28 identified in subsection 1, paragraph Q; and after September 30, 2025 for employees  
29 identified in subsection 1, paragraphs R and S, then the member's service retirement  
30 benefit must be computed in segments and the amount of the member's service  
31 retirement benefit is the sum of the segments. The segments must be computed as  
32 follows:

33           (1) The segment or, if the member served in more than one of the capacities  
34 specified in subsection 1 and the benefits related to the capacities are not  
35 interchangeable under section 17856, segments that reflect creditable service  
36 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
37 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
38 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
39 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
40 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
41 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
42 and before October 1, 2025 for employees identified in subsection 1, paragraphs R  
43 and S or purchased by repayment of an earlier refund of accumulated contributions  
44 for service before July 1, 1998, for employees identified in subsection 1,  
45 paragraphs A to H; before January 1, 2000 for employees identified in subsection

1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q; and before October 1, 2025 for employees identified in subsection 1, paragraphs R and S in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q; and before October 1, 2025 for employees identified in subsection 1, paragraphs R and S, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

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

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

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in subsection 1, paragraph Q; and after September 30, 2025 for employees identified in subsection 1, paragraphs R and S or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in subsection 1, paragraph Q; and after September 30, 2025 for employees identified in subsection 1, paragraphs R and S in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was

1 achieved after June 30, 1998 and before September 1, 2002 for employees  
2 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees  
3 identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
4 employees identified in subsection 1, paragraphs I to K; after December 31, 2001  
5 for employees identified in subsection 1, paragraph L; after June 30, 2002 for  
6 employees identified in subsection 1, paragraph M; after June 30, 2020 for  
7 employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
8 2021 for employees identified in subsection 1, paragraph Q; and after September  
9 30, 2025 for employees identified in subsection 1, paragraphs R and S must be  
10 computed under section 17852, subsection 1, paragraph A. If the member is  
11 qualified under subsection 2, paragraph B and:

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

16 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment  
17 amount must be reduced by 6% for each year that the member's age precedes  
18 55 years of age.

19 **Sec. 9. 5 MRSA §17851-A, sub-§4, ¶G** is enacted to read:

20 G. The service retirement benefit of a member to whom subsection 1, paragraphs R  
21 and S applies and who qualifies for service retirement benefits under subsection 2 must  
22 be computed under section 17852, subsection 1, paragraph A on the basis of all of the  
23 member's creditable service in the capacity specified in subsection 1, paragraphs R and  
24 S, regardless of when that creditable service was earned, except that for a member  
25 qualifying under subsection 2, paragraph B:

26 (1) If the member had 10 years of service on July 1, 1993, the benefit must be  
27 reduced as provided in section 17852, subsection 3, paragraphs A and B for each  
28 year the member's age precedes 55 years of age; or

29 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,  
30 the benefit must be reduced by 6% for each year that the member's age precedes  
31 55 years of age.

32 **Sec. 10. 5 MRSA §17851-A, sub-§5**, as amended by PL 2021, c. 474, §10, is  
33 further amended to read:

34 **5. Contributions.** Notwithstanding any ~~other~~ provision of subchapter 3 to the  
35 contrary, after June 30, 1998 and before September 1, 2002 for employees identified in  
36 subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in  
37 subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in  
38 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in  
39 subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1,  
40 paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N  
41 to P; ~~and~~ after September 30, 2021 for employees identified in subsection 1, paragraph Q;  
42 and after September 30, 2025 for employees identified in subsection 1, paragraphs R and  
43 S, a member in the capacities specified in subsection 1 must contribute to the State  
44 Employee and Teacher Retirement Program or have pick-up contributions made at the rate

1 of 8.65% of earnable compensation until the member has completed 25 years of creditable  
2 service as provided in this section and at the rate of 7.65% thereafter.

3 **SUMMARY**

4 This bill adds employees of the Department of Health and Human Services employed  
5 on October 1, 2025 or hired thereafter who provide direct care to persons in need of mental  
6 health services in a community-based or residential setting or to residents or patients of  
7 mental health institutions in this State or have responsibility for providing crisis outreach  
8 and crisis services to adults with developmental disabilities or intellectual disabilities in a  
9 community-based or residential setting to the 1998 Special Plan for certain Maine Public  
10 Employees Retirement System members.