

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 794

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S.P. 359

In Senate, March 4, 2025

### **An Act to Include Judicial Marshals in the 1998 Special Plan for Retirement**

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Received by the Secretary of the Senate on February 27, 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 HICKMAN of Kennebec.  
Cosponsored by Representatives: FREDETTE of Newport, GREENWOOD of Wales and  
Representative: HASENFUS of Readfield.

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. III,  
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; and

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

13 R. Judicial marshals as defined in Title 25, section 2801-A, subsection 2-A in the  
14 employment of the judicial branch on October 1, 2025 or hired thereafter.

15 **Sec. 4. 5 MRSA §17851-A, sub-§2**, as amended by PL 2021, c. 474, §6, is further  
16 amended to read:

17 **2. Qualification for benefits.** A member employed in any one or a combination of  
18 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
19 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
20 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
21 employees identified in subsection 1, paragraphs I to K; any employee identified in  
22 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,  
23 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,  
24 paragraph Q; after September 30, 2025 for employees identified in subsection 1, paragraph  
25 R; and any employee identified in subsection 1, paragraph L, qualifies for a service  
26 retirement benefit if that member either:

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

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

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

35 (1) Service credit purchased by repayment of an earlier refund of accumulated  
36 contributions following termination of service is included only to the extent that  
37 time to which the refund relates was served after June 30, 1998 and before  
38 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
39 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
40 after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
41 K; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P;  
42 and after September 30, 2021 for employees identified in subsection 1, paragraph

1 Q in any one or a combination of the capacities specified in subsection 1. Service  
2 credit may be purchased for service by an employee identified in subsection 1,  
3 paragraphs L ~~and~~, M ~~and~~ R regardless of when performed; and

4 **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A**, as amended by PL 2021, c. 474, §8, is  
5 further amended to read:

6 A. If all of the member's creditable service in any one or a combination of the  
7 capacities specified in subsection 1 was earned after June 30, 1998 and before  
8 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
9 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
10 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
11 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
12 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
13 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
14 2021 for employees identified in subsection 1, paragraph Q; and after September 30,  
15 2025 for employees identified in subsection 1, paragraph R; if service credit was  
16 purchased by repayment of an earlier refund of accumulated contributions for service  
17 in any one or a combination of the capacities specified in subsection 1 after June 30,  
18 1998 and before September 1, 2002 for employees identified in subsection 1,  
19 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
20 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
21 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
22 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph  
23 M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
24 after September 30, 2021 for employees identified in subsection 1, paragraph Q; and  
25 after September 30, 2025 for employees identified in subsection 1, paragraph R; or if  
26 service credit was purchased by other than the repayment of an earlier refund and  
27 eligibility to make the purchase of the service credit, including, but not limited to,  
28 service credit for military service, was achieved after June 30, 1998 and before  
29 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
30 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
31 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
32 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
33 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
34 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
35 2021 for employees identified in subsection 1, paragraph Q; and after September 30,  
36 2025 for employees identified in subsection 1, paragraph R, the benefit must be  
37 computed as provided in section 17852, subsection 1, paragraph A.

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

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

44 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2021, c. 474, §9, is  
45 further amended to read:

1 B. Except as provided in paragraphs D, E ~~and~~, F and G, if some part of the member's  
2 creditable service in any one or a combination of the capacities specified in subsection  
3 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs  
4 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I  
5 to K; before January 1, 2002 for employees identified in subsection 1, paragraph L;  
6 before July 1, 2002 for employees identified in subsection 1, paragraph M; before July  
7 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October  
8 1, 2021 for employees identified in subsection 1, paragraph Q; and before October 1,  
9 2025 for employees identified in subsection 1, paragraph R and some part of the  
10 member's creditable service in any one or a combination of the capacities specified in  
11 subsection 1 was earned after June 30, 1998 and before September 1, 2002 for  
12 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
13 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
14 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
15 employees identified in subsection 1, paragraph L; after June 30, 2002 for employees  
16 identified in subsection 1, paragraph M; after June 30, 2020 for employees identified  
17 in subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
18 identified in subsection 1, paragraph Q; and after September 30, 2025 for employees  
19 identified in subsection 1, paragraph R, then the member's service retirement benefit  
20 must be computed in segments and the amount of the member's service retirement  
21 benefit is the sum of the segments. The segments must be computed as follows:

22 (1) The segment or, if the member served in more than one of the capacities  
23 specified in subsection 1 and the benefits related to the capacities are not  
24 interchangeable under section 17856, segments that reflect creditable service  
25 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
26 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
27 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
28 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
29 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
30 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
31 and before October 1, 2025 for employees identified in subsection 1, paragraph R  
32 or purchased by repayment of an earlier refund of accumulated contributions for  
33 service before July 1, 1998, for employees identified in subsection 1, paragraphs  
34 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
35 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
36 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
37 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
38 and before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
39 and before October 1, 2025 for employees identified in subsection 1, paragraph R  
40 in a capacity or capacities specified in subsection 1 or purchased by other than the  
41 repayment of a refund and eligibility to make the purchase of the service credit,  
42 including, but not limited to, service credit for military service, was achieved  
43 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;  
44 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;  
45 before January 1, 2002 for employees identified in subsection 1, paragraph L;  
46 before July 1, 2002 for employees identified in subsection 1, paragraph M; before  
47 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before

1 October 1, 2021 for employees identified in subsection 1, paragraph Q; and before  
2 October 1, 2025 for employees identified in subsection 1, paragraph R, must be  
3 computed under section 17852, subsection 1, paragraph A. If the member is  
4 qualified under subsection 2, paragraph B and:

5 (a) Had 10 years of creditable service on July 1, 1993, the amount of the  
6 segment or segments must be reduced as provided in section 17852, subsection  
7 3, paragraphs A and B; or

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

11 (2) The segment that reflects creditable service earned after June 30, 1998 and  
12 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
13 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
14 to H; after December 31, 1999 for employees identified in subsection 1, paragraphs  
15 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph  
16 L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after  
17 June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
18 after September 30, 2021 for employees identified in subsection 1, paragraph Q;  
19 and after September 30, 2025 for employees identified in subsection 1, paragraph  
20 R or purchased by repayment of an earlier refund of accumulated contributions for  
21 service after June 30, 1998 and before September 1, 2002 for employees identified  
22 in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified  
23 in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
24 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  
26 employees identified in subsection 1, paragraph M; after June 30, 2020 for  
27 employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
28 2021 for employees identified in subsection 1, paragraph Q; and after September  
29 30, 2025 for employees identified in subsection 1, paragraph R in any one or a  
30 combination of the capacities specified in subsection 1, or purchased by other than  
31 the repayment of a refund and eligibility to make the purchase of the service credit,  
32 including, but not limited to, service credit for military service, was achieved after  
33 June 30, 1998 and before September 1, 2002 for employees identified in subsection  
34 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection  
35 1, paragraphs C to H; after December 31, 1999 for employees identified in  
36 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified  
37 in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
38 subsection 1, paragraph M; after June 30, 2020 for employees identified in  
39 subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
40 identified in subsection 1, paragraph Q; and after September 30, 2025 for  
41 employees identified in subsection 1, paragraph R must be computed under section  
42 17852, subsection 1, paragraph A. If the member is qualified under subsection 2,  
43 paragraph B and:

44 (a) Had 10 years of creditable service on July 1, 1993, the segment amount  
45 must be reduced in the manner provided in section 17852, subsection 3,

1 paragraphs A and B for each year that the member's age precedes 55 years of  
2 age; or

3 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment  
4 amount must be reduced by 6% for each year that the member's age precedes  
5 55 years of age.

6 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶G** is enacted to read:

7 G. The service retirement benefit of a member to whom subsection 1, paragraph R  
8 applies and who qualifies for service retirement benefits under subsection 2 must be  
9 computed under section 17852, subsection 1, paragraph A on the basis of all of the  
10 member's creditable service in the capacity specified in subsection 1, paragraph R,  
11 regardless of when that creditable service was earned, except that for a member  
12 qualifying under subsection 2, paragraph B:

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

16 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,  
17 the benefit 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-§5**, as amended by PL 2021, c. 474, §10, is further  
20 amended to read:

21 **5. Contributions.** Notwithstanding any other provision of subchapter 3 to the  
22 contrary, after June 30, 1998 and before September 1, 2002 for employees identified in  
23 subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in  
24 subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in  
25 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in  
26 subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1,  
27 paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N  
28 to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q;  
29 and after September 30, 2025 for employees identified in subsection 1, paragraph R, a  
30 member in the capacities specified in subsection 1 must contribute to the State Employee  
31 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%  
32 of earnable compensation until the member has completed 25 years of creditable service as  
33 provided in this section and at the rate of 7.65% thereafter.

34 **Sec. 10. Maine Public Employees Retirement System report.** The Maine  
35 Public Employees Retirement System shall submit a report to the Joint Standing Committee  
36 on Labor no later than December 3, 2025. The report must include the number of judicial  
37 marshals enrolled in the 1998 Special Plan and any recommendations for legislation. The  
38 Joint Standing Committee on Labor may report out a bill to the Second Regular Session of  
39 the 132nd Legislature to implement the recommendations of the report.

40 **SUMMARY**

41 This bill adds judicial marshals employed on October 1, 2025 or hired thereafter to the  
42 1998 Special Plan in the Maine Public Employees Retirement System.