

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(New Title)
New Draft of: H. P. 317, L. D. 417

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1432

H. P. 1226

House of Representatives, March 25, 1971

Reported by Mr. Curtis from Committee on Veterans and Retirement and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Retirement of Police Officers and Fire Fighters.

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

Sec. 1. R. S., T. 5, § 1092, sub-§ 3, amended. The first sentence of subsection 3 of section 1092 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

Any participating local district, by filing with the board of trustees a duly certified copy of its action, may provide a retirement benefit for policemen, firemen, sheriffs and full-time deputy sheriffs or any other participating local district employees, in lieu of the retirement benefits otherwise provided in this chapter for these employees, of $\frac{1}{2}$ salary after having completed 20 to 25 years of service, which benefit shall be based on the annual rate of salary being paid such individuals at point of retirement or the gross amount earned in the immediately preceding 12 months, whichever is greater.

Sec. 2. R. S., T. 5, § 1121, sub-§ 8, amended. Subsection 8 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 288 of the public laws of 1965, is amended to read as follows:

8. Fire fighters. Any member who is a fire fighter, including the chief of a fire department, who has at least 25 years of service as a fire fighter shall be permitted to retire upon attainment of age 55. The service retirement allowance shall be equal to $66\frac{2}{3}\%$ of his current final compensation or the district may accept a retirement provision whereby any member who is a fire fighter, including the chief of a fire department, who has 20 to 25 years of service as a fire fighter shall be permitted to retire, regardless of age, upon completion of the number of years selected by said district.

Sec. 3. R. S., T. 5, § 1121, sub-§ 9, amended. Subsection 9 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 143 of the public laws of 1967, is amended to read as follows:

9. **Police officers.** Any member who is a police officer, including the chief of a police department, who has at least 25 years of service as a police officer shall be permitted to retire upon attainment of age 55. The service retirement allowance shall be equal to 66 $\frac{2}{3}$ % of his current final compensation or the district may accept a retirement provision whereby any member who is a police officer, including the chief of the police department, who has 20 to 25 years of service as a police officer shall be permitted to retire, regardless of age, upon completion of the number of years selected by said district.

STATEMENT OF FACT

As contributions to the Retirement System are required from all earnings, and as many departments have overtime, the annual rate of salary is that figure which results from multiplying the rate of salary by the number of payroll periods in a year. The bill would provide that if overtime or other income is earned in the 12-month period prior to retirement that the gross earnings figure be used in the computation of benefits, if greater than the annual rate.

Present statutory language permits a fire fighter or policeman to retire after 25 years of service with a benefit of $\frac{2}{3}$ of his current final compensation only after attaining age 55. The purpose of this bill is to permit fire fighters to negotiate with participating local districts for retirement benefits to commence after completion of 25 years of service. For example, the City of Portland has entered into an agreement with its fire fighters to permit retirement after 25 years of service regardless of age. In doing so the city recognized that because of the unique physical demands placed on fire fighters, the age base for retirement should be removed. Through experience municipalities in many areas of the United States have concluded that the debilitating aspects of fire fighting require a retirement procedure related solely to years of service rather than age.

This bill would permit the State Retirement System to reflect a fact heretofore accepted by the Cities of Portland, South Portland and Bangor. It is a discretionary rather than mandatory provision and will, therefore, allow other participating local districts, when deemed necessary, to provide similar retirement provisions for fire fighters.