

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

(Filing No. H-826)

CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 1725, L.D. 1939,  
Bill, "AN ACT to Reform the State Retirement System."

Amend said Bill by inserting after section 23 the following:

'Sec. 23-A. 5 MRSA §1092, sub-§3-A is enacted to read:

3-A. Additional retirement benefits. Any participating local district, by filing with the board of trustees a duly certified copy of its actions, may provide an additional retirement benefit for all employees eligible for retirement benefits or allowances under subsections 2 or 3 of this section or under subsections 8 and 9 of section 1121, of 2% of average final compensation for each year of membership service not included in the age and service conditions for retirement under these sections.'

Further amend said Bill by inserting after section 38 the following:

'Sec. 38-A. 5 MRSA §1094, sub-§16 is enacted to read:

16. Accumulated or accrued vacation or sick leave. All accumulated or accrued sick leave or unused vacation leave or a combination of both, for which the member is credited on termination of service, but for which the member does not receive payment, shall be credited as membership service. Accumulated or accrued leave shall not include lapsed leave, or other leave beyond a maximum set as accumulated or accrued by personnel rules or regulations or by contract.

Sec. 38-B. 5 MRSA §1095, as last amended by PL 1973, c. 542,  
§3, is repealed and the following enacted in place thereof:

§1095. Employees' contributions

1. Members. Each member shall contribute at a rate of  
6.5% of earnable compensation, except as hereinafter provided.

2. State Police. Each member of the State Police, including  
the chief thereof or a member of the State Police or the chief  
thereof who is appointed to the position of Commissioner of Public  
Safety, who became a member of that department subsequent to July  
9, 1943, shall contribute at a rate of 7.5% of earnable compensation  
to the Retirement System until he has completed 20 years of  
creditable service, as required under section 1121, subsection 1,  
paragraph C. After completing such service, a member of the State  
Police shall contribute at a rate of 6.5% of earnable compensation  
for the remainder of his employment as a member of the State Police.

¶3. Fisheries and Game Wardens. Each law enforcement  
officer in the Department of Inland Fisheries and Game  
and each law enforcement officer in the Department of  
Marine Resources shall contribute at a rate of 7.5% of  
earnable compensation until he has completed 20 years of  
creditable service, as required under section 1121, sub-  
section 1, paragraph D. After completing such service, a  
law enforcement officer in the Department of Inland Fisheries  
and Game or in the Department of Marine Resources shall  
contribute at a rate of 6.5% of earnable compensation for  
the remainder of his employment as such a law enforcement  
officer.

47-4. Forest rangers. Each forest ranger in the Bureau of Forestry, Department of Conservation, shall contribute at a rate of 7.5% of earnable compensation until he has attained eligibility for retirement under section 1121, subsection 1, paragraph E. After attaining eligibility for retirement, a forest ranger shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment as a forest ranger.

47-5. Maine State Prison employees. Each employee of the Maine State Prison, who is an incumbent in a position described in section 1121, subsection 4, paragraph F, shall contribute at a rate of 7.5% of earnable compensation until he has attained eligibility for retirement under section 1121, subsection 4, paragraph F. After attaining eligibility for retirement such employee shall contribute at a rate of 6.5% of earnable compensation for the remainder of his employment in such a position.

47-6. Fire fighters. Each fire fighter, including the chief of a fire department, shall be required to contribute at a rate of 8% of earnable compensation as long as he is employed as a fire fighter; except a participating local district may elect to reduce such rate of contribution to 6.5% of earnable compensation for all fire fighters who continue employment after attaining eligibility for retirement, for the remainder of their employment as fire fighters.

7. Police officers. Each police officer, including the chief of a police department, shall be required to contribute at a rate of 8% of earnable compensation as long as he is employed as a police officer; except a participating local district may elect to reduce such rate of contribution to 6.5% of earnable compensation for all police officers who continue employment after attaining eligibility for retirement, for the remainder of their employment as police officers.

8. State share of cost. At no time shall the state matching share of the cost of the retirement system be increased due to the changes in formula and the change from 5-year average highest compensation to 3-year average highest compensation. Any additional costs are to be borne by the members of the system.

Further amend said Bill by striking out all of section 41 and inserting in place thereof the following:

'Sec. 41. 5 MRSA §1121, sub-§1, ¶C, last sentence of first ¶ is amended to read:

The total amount of the service retirement allowance of a member retired in accordance with this paragraph shall be equal to 1/2 of his current-annual-salary average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

Further amend said Bill by striking out all of section 44 and inserting in place thereof the following:

'Sec. 44. 5 MRSA §1121, sub-§1, ¶D, last sentence of first ¶,  
as last repealed and replaced by PL 1971, c. 622, §12, is  
amended to read:

The total amount of the service retirement allowance of a law enforcement officer retired in accordance with this paragraph shall be equal to 1/2 of his current-annual-salary average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.'

Further amend said Bill by striking out all of section 46 and inserting in place thereof the following:

'Sec. 46. 5 MRSA §1121, sub-§1, ¶E, last sentence, as last amended by PL 1973, c. 460, §18, is further amended to read:

The total amount of the service retirement allowance of a forest ranger in the Bureau of Forestry retired in accordance with this paragraph shall be equal to 1/2 of his current-annual salary average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph.'

Further amend said Bill by inserting after section 49 the following:

'Sec. 49-A. 5 MRSA §1121, sub-§4, ¶C is repealed and the following enacted in place thereof:

C. The total amount of the service retirement allowance of a member retired in accordance with paragraph A shall be equal to 1/2 of this average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under paragraph A; or, if the retirement occurs at or after the attainment of age 60, equal to the amount of his total service retirement allowance as determined in accordance with subsection 2, if greater.'

Further amend said Bill by striking out all of section 50 and inserting in place thereof the following:

'Sec. 50. 5 MRSA §1121, sub-§4, ¶D, first 2 sentences, as amended, are repealed and the following enacted in place thereof: Any member who is a liquor inspector, including the chief inspector, and in any case at least 25 years of creditable service in his respective capacity, may be retired on or after the attainment of age 55 years on a service retirement allowance, but must be retired at the attainment of age 65, which will be equal to 1/2 of his average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph. Notwithstanding the foregoing, the service of a chief inspector who has attained the age of 65,

and who desires to remain in service, may be continued for periods of one year, but not beyond the attainment of age 70, if approved by the Governor and Council. Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Director of Personnel for review and comment, who shall then forward it to the Governor and Council.'

Further amend said Bill by inserting after section 50 the following:

'Sec. 50-A. 5 MRSA §1121, sub-§4, ¶F, as enacted by P&SL 1971, c. 179, §E, §2, is repealed and the following enacted in place thereof:

F. Any member who is the warden or deputy warden of the Maine State Prison, or any officer or employee of the Maine State Prison employed as a guard, or engaged in any management of prisoners, or as the supervising officers of any such guards or employees, and in any case, who has at least 20 years of creditable service in his respective capacity, or cumulatively in any combination of such prison employment capacities, may be retired on or after the attainment of age 50 on a service retirement allowance which is equal to 1/2 of his average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph; but unless extended, he must be retired at the attainment of age 60.'

Further amend said Bill by striking out all of the first



sentence of section 66 and inserting in place thereof the following:

'Section 1 shall apply to all retirement allowances that are first payable on or after July 1, 1978.'

Further amend said Bill by striking out all of the 3rd paragraph of section 66 and inserting in place thereof the following:

'Sections 23-A, 38-B, 41, 44, 46, 49-A, 50 and 50-A shall apply to all retirement allowances that are first payable on or after July 1, 1977; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to January 1, 1976 that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1977, shall be so determined.'

Statement of Fact

The purposes of this amendment are to change the effective date of section 1 of the bill from July 1, 1977 to July 1, 1978; to change the effective date of sections 41, 44, 46 and 50 from January 1, 1976 to July 1, 1977; to include as creditable service all accumulated or accrued, unreimbursed sick leave or vacation time; and to allow all state employees, and participating local districts at their election, who have benefits calculated at a fixed rate of 1/2 or 2/3 compensation to increase their retirement benefits by 2% for each year of creditable service beyond eligibility for retirement.

Reported by the Committee of Conference.  
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