

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1617

7 H.P. 1218

House of Representatives, May 16, 1983

8 Referred to the Committee on Aging, Retirement and Veterans. Sent up
9 for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McCollister of Canton.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Modify Early Retirement Plans
18 for State Employees Hired After September
19 . 30, 1983.
20

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

23 Sec. 1. 5 MRSA §1095, sub-§2, as repealed and
24 replaced by PL 1975, c. 622, §38-B, is amended to
25 read:

26 2. State Police hired before October 1, 1983.
27 Each member of the State Police, including the chief
28 thereof or a member of the State Police or the chief
29 thereof who is appointed to the position of Commis-
30 sioner of Public Safety, who became a member of that
31 department subsequent to July 9, 1943 but before
32 October 1, 1983, shall contribute at a rate of 7.5%
33 of earnable compensation to the retirement system
34 until he has completed 20 years of creditable ser-
35 vice, as required under section 1121, subsection 1,

1 paragraph C. After completing such service, a member
2 of the State Police shall contribute at a rate of
3 6.5% of earnable compensation for the remainder of
4 his employment as a member of the State Police.

5 Sec. 2. 5 MRSA §1095, sub-§3, as amended by PL
6 1977, c. 661, §1, is further amended to read:

7 3. Fisheries and game wardens hired before Octo-
8 ber 1, 1983. Each law enforcement officer in the
9 Department of Inland Fisheries and Wildlife and each
10 law enforcement officer in the Department of Marine
11 Resources who is employed before October 1, 1983,
12 shall contribute at a rate of 7.5% of earnable com-
13 pensation until he has completed 20 years of credita-
14 ble service, as required under section 1121, subsec-
15 tion 1, paragraph D. After completing such service, a
16 law enforcement officer in the Department of Inland
17 Fisheries and Wildlife or in the Department of Marine
18 Resources shall contribute at a rate of 6.5% of earn-
19 able compensation for the remainder of his employment
20 as such a law enforcement officer.

21 A commissioner or a deputy commissioner of the
22 Department of Marine Resources may elect to contrib-
23 ute as a member under subsection 1 rather than this
24 subsection if he files a written copy of the election
25 of that choice with the board of trustees.

26 Sec. 3. 5 MRSA §1095, sub-§4, as repealed and
27 replaced by PL 1975, c. 622, §38-B, is amended to
28 read:

29 4. Forest rangers hired before October 1, 1983.
30 Each forest ranger in the Bureau of Forestry, Depart-
31 ment of Conservation who is employed as a forest
32 ranger before October 1, 1983, shall contribute at a
33 rate of 7.5% of earnable compensation until he has
34 attained eligibility for retirement under section
35 1121, subsection 1, paragraph E. After attaining eli-
36 gibility for retirement, a forest ranger shall con-
37 tribute at a rate of 6.5% of earnable compensation
38 for the remainder of his employment as a forest
39 ranger.

40 Sec. 4. 5 MRSA §1095, sub-§10 is enacted to
41 read:

1 10. State Police hired after September 30,
2 1983. A person hired after September 30, 1983, as a
3 member of the State Police shall contribute at a rate
4 of 7.5% of earnable compensation until he has com-
5 pleted 25 years of creditable service in one or more
6 of these positions. After completing that service,
7 the employee shall contribute at a rate of 6.5% of
8 earnable compensation for the remainder of his
9 employment in such a position.

10 Sec. 5. 5 MRSA §1121, sub-§1, ¶C, as amended by
11 PL 1977, c. 580, §§5 and 6, is further amended to
12 read:

13 C. Any member of the State Police who became a
14 member of that department ~~subsequent to~~ after
15 July 9, 1943, but before October 1, 1983, may
16 retire upon completion of 20 years of creditable
17 service as a state police officer. Military ser-
18 vice credits as allowed under section 1094 shall
19 not be considered as part of the creditable ser-
20 vice necessary for the 20 years' service as a
21 state police officer, but military service cred-
22 itable under section 1091 shall be considered to
23 be part of the creditable service necessary for
24 the 20 years as a state police officer provided
25 that the member was a state police officer at the
26 time of entrance into such military service and
27 upon separation from military service again
28 became a state police officer. The total amount
29 of the service retirement allowance of a member
30 retired in accordance with this paragraph shall
31 be equal to 1/2 of his average final compensa-
32 tion, and an additional 2% of his average final
33 compensation for each year of membership service
34 not included in determining eligibility for
35 retirement under this paragraph.

36 Upon the death of a member of the Maine State
37 Police who is the recipient of a retirement
38 allowance under this ~~section~~ paragraph, without
39 optional modification, or is retired under the
40 disability provisions, the surviving spouse shall
41 become entitled to a retirement allowance which
42 shall be equal to 1/2 of the amount being paid at
43 the time of his death and which payment shall
44 continue for the remainder of his or her lifetime

1 or until he or she becomes the dependent of
2 another person. Payment of the appropriate
3 monthly amount shall be made to the surviving
4 spouse for the account of any deceased member of
5 the State Police who had retired without optional
6 modification under this paragraph as of September
7 23, 1971, and shall not be retroactive.

8 For purposes of this Title, a member of the State
9 Police shall be deemed to mean any state police
10 officer or any such state police officer who is
11 appointed Chief of the State Police or Commis-
12 sioner of Public Safety.

13 Sec. 6. 5 MRSA §1121, sub-§1, ¶D, as amended by
14 PL 1977, c. 661, §2, is further amended to read:

15 D. Any law enforcement officer in the Department
16 of Inland Fisheries and Wildlife and any law
17 enforcement officer in the Department of Marine
18 Resources, who is employed before October 1,
19 1983, may retire upon completion of 20 years of
20 creditable service as a law enforcement officer
21 in the Department of Inland Fisheries and Wild-
22 life or a law enforcement officer in the Depart-
23 ment of Marine Resources. Military service cred-
24 its, as allowed under section 1094, shall not be
25 considered as part of the creditable service as a
26 law enforcement officer under this section, but
27 any military service creditable under section
28 1091 shall be considered to be part of the cred-
29 itable service necessary for the 20 years as a
30 law enforcement officer, provided that he was a
31 law enforcement officer in either of these
32 departments at the time of entrance into such
33 military service and upon separation from mili-
34 tary service again became a law enforcement offi-
35 cer in either of these departments. The total
36 amount of the service retirement allowance of a
37 law enforcement officer retired in accordance
38 with this paragraph, shall be equal to 1/2 of his
39 average final compensation and an additional 2%
40 of his average final compensation for each year
41 of membership service not included in determining
42 eligibility for retirement under this paragraph.

1 Upon the death of a law enforcement officer of
2 the Department of Marine Resources or a law
3 enforcement officer of the Department of Inland
4 Fisheries and Wildlife who is the recipient of a
5 retirement allowance under this ~~section~~ para-
6 graph, without optional modification, or is
7 retired under the disability provisions, the sur-
8 viving spouse, shall become entitled to a retire-
9 ment allowance which shall be equal to 1/2 of the
10 amount being paid at the time of his death and
11 which payment shall continue for the remainder of
12 his or her lifetime or until he or she becomes
13 the dependent of another person.

14 A commissioner or a deputy commissioner of the
15 Department of Marine Resources may retire under
16 this paragraph if he has contributed as a law
17 enforcement officer under section 1095, subsec-
18 tion 3.

19 Sec. 7. 5 MRSA §1121, sub-§1, ¶E, as repealed
20 and replaced by PL 1977, c. 580, §8, is amended to
21 read:

22 E. Any forest ranger in the Department of Con-
23 servation, who is employed before October 1,
24 1983, may retire at attained age 50 or upon com-
25 pletion of 25 years of total creditable service
26 as a forest ranger in this department, whichever
27 is later. The total amount of the service retire-
28 ment allowance of a forest ranger in this depart-
29 ment, retired in accordance with this paragraph,
30 shall be equal to 1/2 of his average final com-
31 pensation and an additional 2% of his average
32 final compensation for each year of membership
33 service not included in the age and service con-
34 ditions for retirement under this paragraph.

35 Sec. 8. 5 MRSA §1121, sub-§4, ¶A, as amended by
36 PL 1979, c. 624, §1, is further amended to read:

37 A. Any member who

38 (2) Is an airplane pilot employed by the
39 State of Maine, who is hired before October
40 1, 1983, or a member of a fire or police
41 department including the chiefs thereof and

1 sheriffs and deputy sheriffs, and, in any
2 case, who has at least 25 years of credita-
3 ble service in his respective capacity, may
4 be retired on or after the attainment of age
5 55 on a service retirement allowance.

6 Any participating local district electing these
7 benefits may, by filing with the board of
8 trustees a duly certified copy of its action,
9 discontinue any such benefit as to members of a
10 fire or a police department, including the chiefs
11 thereof and sheriffs and deputy sheriffs hired
12 after the effective date of the action only, and
13 may thereupon substitute for the benefit any
14 other benefit provided for by this chapter. Noth-
15 ing in this paragraph may be construed to affect
16 in any way the rights of public employees to col-
17 lectively bargain for terms and conditions of
18 employment.

19 Sec. 9. 5 MRSA §1121, sub-§4, ¶D, as amended by
20 PL 1977, c. 580, §10, is further amended to read:

21 D. Any member who is a liquor inspector, includ-
22 ing the chief inspector, who is employed before
23 October 1, 1983, and who has completed at least
24 25 years of creditable service in his respective
25 capacity, may retire at age 55 on a service
26 retirement allowance, which shall be equal to 1/2
27 of his average final compensation and an addi-
28 tional 2% of his average final compensation for
29 each year of membership service not included in
30 the age and service conditions for retirement
31 under this paragraph. ~~Notwithstanding the forege-~~
32 ~~ing, the service of a chief inspector who has~~
33 ~~attained the age of 65, and who desires to remain~~
34 ~~in service, may be continued for periods of one~~
35 ~~year, but not beyond the attainment of age 70, if~~
36 ~~approved by the Governor. Requests for extensions~~
37 ~~of service for state employees shall be filed~~
38 ~~with the appointing authority, who shall send it~~
39 ~~to the Commissioner of Personnel for review and~~
40 ~~comment, who shall then forward it to the Gover-~~
41 ~~nor. In no instance shall the power to extend the~~
42 ~~service of the chief inspector be extended beyond~~
43 ~~the attained age of 70. Notwithstanding the~~
44 ~~provisions of this paragraph, any person employed~~

1 as a liquor inspector on or before September 3,
2 1965 who has been employed continuously as such
3 and who will not attain the 25 years of credita-
4 ble service at age 65, shall be permitted to con-
5 tinue in his employment as a liquor inspector in
6 order to obtain the 25 years of creditable ser-
7 vice necessary, at which time such liquor inspec-
8 tor must be retired.

9 Sec. 10. 5 MRSA §1121, sub-§4, ¶G is enacted to
10 read:

11 G. The service retirement allowance of a member
12 hired after September 30, 1983, as a member of
13 the State Police, who retires after completion of
14 25 years of creditable service and attainment of
15 age 55, shall be determined in accordance with
16 subsection 2, paragraph A.

17 Any such member who has completed 25 or more
18 years of creditable service may retire at any
19 time prior to the attainment of age 55 and
20 receive a service retirement allowance. The
21 retirement allowance shall be determined in ac-
22 cordance with subsection 2, paragraph A, but
23 shall be at a reduced amount determined by apply-
24 ing to the retirement allowance the percentage
25 that a life annuity due at age 55 bears to the
26 life annuity due at the age of retirement subject
27 to this subsection. For this purpose, the tables
28 of annuities as approved by the board of trustees
29 at the dates of retirement shall be used.

30 STATEMENT OF FACT

31 This bill provides that, except for members of
32 the State Police and Maine State Prison personnel,
33 all employees hired into state service after Septem-
34 ber 30, 1983, may retire at age 60 or after 25 years
35 of creditable service. The bill eliminates special
36 or early retirement plans for prospective employees
37 hired as marine patrol officers, game wardens, forest
38 rangers, state airplane pilots and liquor inspectors.
39 No current state employee is affected.

1 Prospective elimination of special retirement
2 plans will make the Maine State Retirement System
3 both more cost effective and more equitable. Based
4 on 1982 figures, current special retirement plans
5 cost the State between approximately 20% and 35% of
6 the gross payroll for covered groups of employees.
7 As employees under special plans retire, the cost
8 measured as overall percentage of gross payroll will
9 decline to approximately 15% of gross payroll. Cost
10 savings, although realized gradually rather than
11 immediately, will be substantial. Finally, raising
12 the minimum retirement age for state employees is
13 consistent with national trends in the public and
14 private sectors.

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