

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1218, L.D. 1617)
2 (New Title)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2427

9 H.P. 1833

House of Representatives, April 3, 1984

10 Reported by Report B from the Committee on Taxation and printed
11 under Joint Rule 2.

Original bill presented by Representative McCollister of Canton.

12 EDWIN H. PERT, Clerk

13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT to Provide Early Retirement Plans
20 for State Police and Wardens.
21

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

24 Sec. 1. 5 MRSA §1095, sub-§2, as repealed and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

27 2. State Police. Each member of the State Po-
28 lice, including the chief thereof or a member of the
29 State Police or the chief thereof who is appointed to
30 the position of Commissioner of Public Safety, who
31 became a member of that department subsequent to July
32 9, 1943 but before September 1, 1984, shall contrib-
33 ute at a rate of 7.5% of earnable compensation to the
34 Retirement System until he has completed 20 years of

1 creditable service, as required under section 1121,
2 subsection 1, paragraph C. After completing such ser-
3 vice, a member of the State Police shall contribute
4 at a rate of 6.5% of earnable compensation for the
5 remainder of his employment as a member of the State
6 Police.

7 A person hired after August 31, 1984, as a member of
8 the State Police shall contribute at a rate of 7.5%
9 of earnable compensation until he has completed 25
10 years of creditable service as a member of the State
11 Police. After completing that service, the employee
12 shall contribute at a rate of 6.5% of earnable com-
13 pen-sation for the remainder of his employment in such
14 a position.

15 Sec. 2. 5 MRSA §1095, sub-§3, as amended by PL
16 1977, c. 661, §1, is further amended to read:

17 3. Fisheries and Game Warden. Each law enforce-
18 ment officer in the Department of Inland Fisheries
19 and Wildlife and each law enforcement officer in the
20 Department of Marine Resources who is employed as
21 such before September 1, 1984, shall contribute at a
22 rate of 7.5% of earnable compensation until he has
23 completed 20 years of creditable service, as required
24 under section 1121, subsection 1, paragraph D. After
25 completing such service, a law enforcement officer in
26 the Department of Inland Fisheries and Wildlife or in
27 the Department of Marine Resources shall contribute
28 at a rate of 6.5% of earnable compensation for the
29 remainder of his employment as such a law enforcement
30 officer.

31 A person hired after August 31, 1984, as a law en-
32 forcement officer in the Department of Inland Fisher-
33 ies and Wildlife or in the Department of Marine Re-
34 sources shall contribute at a rate of 7.5% of earn-
35 able compensation until he has completed 25 years of
36 creditable service as a law enforcement officer in
37 those departments. After completing that service,
38 the employee shall contribute at a rate of 6.5% of
39 earnable compensation for the remainder of his em-
40 ployment in that position.

41 A commissioner or a deputy commissioner of the De-
42 partment of Marine Resources may elect to contribute

1 as a member under subsection 1 rather than this sub-
2 section if he files a written copy of the election of
3 that choice with the board of trustees.

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

7 4. Forest rangers. Each forest ranger in the Bu-
8 reau of Forestry, Department of Conservation, who is
9 employed as such before September 1, 1984, shall con-
10 tribute at a rate of 7.5% of earnable compensation
11 until he has attained eligibility for retirement un-
12 der section 1121, subsection 1, paragraph E. After
13 attaining eligibility for retirement, a forest ranger
14 shall contribute at a rate of 6.5% of earnable com-
15 pensation for the remainder of his employment as a
16 forest ranger.

17 Sec. 4. 5 MRSA §1121, sub-§1, ¶C, as amended by
18 PL 1977, c. 580, §§5 and 6, is further amended to
19 read:

20 C. Any member of the State Police who became a
21 member of that department subsequent to after Ju-
22 ly 9, 1943, but before September 1, 1984, may re-
23 tire upon completion of 20 years of creditable
24 service as a state police officer. Military ser-
25 vice credits as allowed under section 1094 shall
26 not be considered as part of the creditable ser-
27 vice necessary for the 20 years' service as a
28 state police officer, but military service cred-
29 itable under section 1091 shall be considered to
30 be part of the creditable service necessary for
31 the 20 years as a state police officer provided
32 that the member was a state police officer at the
33 time of entrance into such military service and
34 upon separation from military service again be-
35 came a state police officer. The total amount of
36 the service retirement allowance of a member re-
37 tired in accordance with this paragraph shall be
38 equal to 1/2 of his average final compensation,
39 and an additional 2% of his average final compen-
40 sation for each year of membership service not
41 included in determining eligibility for retire-
42 ment under this paragraph.

1 Upon the death of a member of the Maine State Po-
2 lice who is the recipient of a retirement allow-
3 ance under this ~~section~~ paragraph, without op-
4 tional modification, or is retired under the dis-
5 ability provisions, the surviving spouse shall
6 become entitled to a retirement allowance which
7 shall be equal to 1/2 of the amount being paid at
8 the time of his death and which payment shall
9 continue for the remainder of his or her lifetime
10 or until he or she becomes the dependent of an-
11 other person. Payment of the appropriate monthly
12 amount shall be made to the surviving spouse for
13 the account of any deceased member of the State
14 Police who had retired without optional modifica-
15 tion under this paragraph as of September 23,
16 1971, and shall not be retroactive.

17 For purposes of this Title, a member of the State
18 Police shall be deemed to mean any state police
19 officer or any such state police officer who is
20 appointed Chief of the State Police or Commis-
21 sioner of Public Safety.

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

24 D. Any law enforcement officer in the Department
25 of Inland Fisheries and Wildlife and any law en-
26 forcement officer in the Department of Marine Re-
27 sources, who is employed as such before September
28 1, 1984, may retire upon completion of 20 years
29 of creditable service as a law enforcement offi-
30 cer in the Department of Inland Fisheries and
31 Wildlife or a law enforcement officer in the De-
32 partment of Marine Resources. Military service
33 credits, as allowed under section 1094, shall not
34 be considered as part of the creditable service
35 as a law enforcement officer under this section,
36 but any military service creditable under section
37 1091 shall be considered to be part of the cred-
38 itable service necessary for the 20 years as a
39 law enforcement officer, provided that he was a
40 law enforcement officer in either of these de-
41 partments at the time of entrance into such mili-
42 tary service and upon separation from military
43 service again became a law enforcement officer in
44 either of these departments. The total amount of

1 the service retirement allowance of a law enforcement officer retired in accordance with this
2 paragraph, shall be equal to 1/2 of his average
3 final compensation and an additional 2% of his
4 average final compensation for each year of mem-
5 bership service not included in determining eli-
6 gibility for retirement under this paragraph.
7

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

21 A commissioner or a deputy commissioner of the
22 Department of Marine Resources may retire under
23 this paragraph if he has contributed as a law en-
24 forcement officer under section 1095, subsection
25 3.

26 Sec. 6. 5 MRSA §1121, sub-§1, ¶E, as repealed
27 and replaced by PL 1977, c. 580, §8, is amended to
28 read:

29 E. Any forest ranger in the Department of Con-
30 servation, who is employed as such before Septem-
31 ber 1, 1984, may retire at attained age 50 or
32 upon completion of 25 years of total creditable
33 service as a forest ranger in this department,
34 whichever is later. The total amount of the ser-
35 vice retirement allowance of a forest ranger in
36 this department, retired in accordance with this
37 paragraph, shall be equal to 1/2 of his average
38 final compensation and an additional 2% of his
39 average final compensation for each year of mem-
40 bership service not included in the age and ser-
41 vice conditions for retirement under this para-
42 graph.

1 Sec. 7. 5 MRSA §1121, sub-§4, ¶A, as amended by
2 PL 1979, c. 624, §1, is further amended to read:

3 A. Any member who

4 (2) Is an airplane pilot employed by the
5 State of Maine; who is employed as such be-
6 fore September 1, 1984, or a member of a
7 fire or police department including the
8 chiefs thereof and sheriffs and deputy sher-
9 iffs, and, in any case, who has at least 25
10 years of creditable service in his respec-
11 tive capacity, may be retired on or after
12 the attainment of age 55 on a service re-
13 tirement allowance.

14 Any participating local district electing these
15 benefits may, by filing with the board of trust-
16 ees a duly certified copy of its action, discon-
17 tinue any such benefit as to members of a fire or
18 a police department, including the chiefs thereof
19 and sheriffs and deputy sheriffs hired after the
20 effective date of the action only, and may there-
21 upon substitute for the benefit any other benefit
22 provided for by this chapter. Nothing in this
23 paragraph may be construed to affect in any way
24 the rights of public employees to collectively
25 bargain for terms and conditions of employment.

26 Sec. 8. 5 MRSA §1121, sub-§4, ¶D, as amended by
27 PL 1983, c. 480, Pt. A, §6, is further amended to
28 read:

29 D. Any member who is a liquor inspector, includ-
30 ing the chief inspector, who is employed as such
31 before September 1, 1984, and who has completed
32 at least 25 years of creditable service in his
33 respective capacity, may retire at age 55 on a
34 service retirement allowance, which shall be
35 equal to 1/2 of his average final compensation
36 and an additional 2% of his average final compen-
37 sation for each year of membership service not
38 included in the age and service conditions for
39 retirement under this paragraph.

40 Sec. 9. 5 MRSA §1121, sub-§4, ¶¶G and H are en-
41 acted to read:

1 G. A member hired after August 31, 1984, as a
2 member of the State Police, may retire after com-
3 pletion of 25 years of creditable service as a
4 member of the State Police and attainment of age
5 55; the service retirement allowance shall be de-
6 termined in accordance with subsection 2, para-
7 graph A.

8 Any such member who has completed 25 or more
9 years of creditable service may retire at any
10 time prior to the attainment of age 55 and re-
11 ceive a service retirement allowance. The re-
12 irement allowance shall be determined in accord-
13 ance with subsection 2, paragraph A, but shall be
14 at a reduced amount determined by applying to the
15 retirement allowance the percentage that a life
16 annuity due at age 55 bears to the life annuity
17 due at the age of retirement subject to this sub-
18 section. For this purpose, the tables of annui-
19 ties as approved by the board of trustees at the
20 dates of retirement shall be used.

21 H. A member hired after August 31, 1984, as a
22 law enforcement officer in the Department of In-
23 land Fisheries and Wildlife or as a law enforce-
24 ment officer in the Department of Marine Re-
25 sources may retire after completion of 25 years
26 of creditable service in such a position and at-
27 tainment of age 55; the service retirement allow-
28 ance shall be determined in accordance with sub-
29 section 2, paragraph A.

30 Any such member who has completed 25 or more
31 years of creditable service may retire at any
32 time prior to the attainment of age 55 and re-
33 ceive a service retirement allowance. The re-
34 irement allowance shall be determined in accord-
35 ance with subsection 2, paragraph A, but shall be
36 at a reduced amount determined by applying to the
37 retirement allowance the percentage that a life
38 annuity due at age 55 bears to the life annuity
39 due at the age of retirement subject to this sub-
40 section. For this purpose, the tables of annui-
41 ties as approved by the board of trustees at the
42 dates of retirement shall be used.

43 Sec. 10. 5 MRSA §1121, sub-§12 is enacted to
44 read:

1

STATEMENT OF FACT

2 This new draft provides that, except for members
3 of the State Police, Inland Fisheries and Wildlife,
4 Marine Resources' wardens and Maine State Prison per-
5 sonnel, all employees hired into state service after
6 August 31, 1984, may retire at age 60 or after 25
7 years of creditable service. The new draft elimi-
8 nates special or early retirement plans for prospec-
9 tive employees hired as forest rangers, state air-
10 plane pilots and liquor inspectors. No current state
11 employee is affected.

12 State Police, game wardens and marine patrol war-
13 dens employed after August 31, 1984, may retire after
14 completion of 25 years of service and the attainment
15 of age 55. The benefit is calculated the same as for
16 regular employees. Retirement before 55 with 25
17 years of service is possible at a reduced benefit.
18 Maine State Prison personnel would continue to be
19 treated as they are under current law. They may re-
20 tire at 1/2 pay after 25 years of service and attain-
21 ment of age 50.

22 Prospective elimination of special retirement
23 plans will make the Maine State Retirement System
24 both more cost effective and more equitable. Cost
25 savings, although realized gradually rather than im-
26 mediately, will be substantial. Finally, raising the
27 minimum retirement age for certain state employees is
28 consistent with national trends in the public and
29 private sectors.

30 The new draft also provides that an employee who
31 has met the service requirements for retirement under
32 a special plan may transfer to a position under the
33 regular retirement plan without reduction of special
34 retirement benefits.

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