

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. 2428

9 H.P. 1834

House of Representatives, April 3, 1984

10 Reported by Report C 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, Wardens and Certain Maine
21 State Prison Employees.
22

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

25 Sec. 1. 5 MRSA §1095, sub-§2, as repealed and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

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

1 Retirement System until he has completed 20 years of
2 creditable service, as required under section 1121,
3 subsection 1, paragraph C. After completing such ser-
4 vice, a member of the State Police shall contribute
5 at a rate of 6.5% of earnable compensation for the
6 remainder of his employment as a member of the State
7 Police.

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

16 Sec. 2. 5 MRSA §1095, sub-§3, as amended by PL
17 1977, c. 661, §1, is further amended to read:

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

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

1 A commissioner or a deputy commissioner of the De-
2 partment of Marine Resources may elect to contribute
3 as a member under subsection 1 rather than this sub-
4 section if he files a written copy of the election of
5 that choice with the board of trustees.

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

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

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

22 5. Maine State Prison employees. Each employee
23 of the Maine State Prison, who is an incumbent in a
24 position described in section 1121, subsection 4,
25 paragraph F, and who is employed as such before Sep-
26 tember 1, 1984, shall contribute at a rate of 7.5% of
27 earnable compensation until he has attained eligibil-
28 ity for retirement under section 1121, subsection 4,
29 paragraph F. After attaining eligibility for retire-
30 ment such employee shall contribute at a rate of 6.5%
31 of earnable compensation for the remainder of his em-
32 ployment in such a position.

33 Each employee of the Maine State Prison, who is hired
34 after August 31, 1984, in a position described in
35 section 1121, subsection 4, paragraph F, shall con-
36 tribute at a rate of 7.5% of earnable compensation
37 until he has completed 25 years of creditable service
38 in such a position or positions. After completing
39 that service, the employee shall contribute at a rate
40 of 6.5% of earnable compensation for the remainder of
41 his employment in such a position.

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

4 C. Any member of the State Police who became a
5 member of that department subsequent to after Ju-
6 ly 9, 1943, but before September 1, 1984, may re-
7 tire upon completion of 20 years of creditable
8 service as a state police officer. Military ser-
9 vice credits as allowed under section 1094 shall
10 not be considered as part of the creditable ser-
11 vice necessary for the 20 years' service as a
12 state police officer, but military service cred-
13 itable under section 1091 shall be considered to
14 be part of the creditable service necessary for
15 the 20 years as a state police officer provided
16 that the member was a state police officer at the
17 time of entrance into such military service and
18 upon separation from military service again be-
19 came a state police officer. The total amount of
20 the service retirement allowance of a member re-
21 tired in accordance with this paragraph shall be
22 equal to 1/2 of his average final compensation,
23 and an additional 2% of his average final compen-
24 sation for each year of membership service not
25 included in determining eligibility for retire-
26 ment under this paragraph.

27 Upon the death of a member of the Maine State Po-
28 lice who is the recipient of a retirement allow-
29 ance under this ~~section~~ paragraph, without op-
30 tional modification, or is retired under the dis-
31 ability provisions, the surviving spouse shall
32 become entitled to a retirement allowance which
33 shall be equal to 1/2 of the amount being paid at
34 the time of his death and which payment shall
35 continue for the remainder of his or her lifetime
36 or until he or she becomes the dependent of an-
37 other person. Payment of the appropriate monthly
38 amount shall be made to the surviving spouse for
39 the account of any deceased member of the State
40 Police who had retired without optional modifica-
41 tion under this paragraph as of September 23,
42 1971, and shall not be retroactive.

43 For purposes of this Title, a member of the State
44 Police shall be deemed to mean any state police

1 officer or any such state police officer who is
2 appointed Chief of the State Police or Commis-
3 sioner of Public Safety.

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

6 D. Any law enforcement officer in the Department
7 of Inland Fisheries and Wildlife and any law en-
8 forcement officer in the Department of Marine Re-
9 sources, who is employed as such before September
10 1, 1984, may retire upon completion of 20 years
11 of creditable service as a law enforcement offi-
12 cer in the Department of Inland Fisheries and
13 Wildlife or a law enforcement officer in the De-
14 partment of Marine Resources. Military service
15 credits, as allowed under section 1094, shall not
16 be considered as part of the creditable service
17 as a law enforcement officer under this section,
18 but any military service creditable under section
19 1091 shall be considered to be part of the cred-
20 itable service necessary for the 20 years as a
21 law enforcement officer, provided that he was a
22 law enforcement officer in either of these de-
23 partments at the time of entrance into such mili-
24 tary service and upon separation from military
25 service again became a law enforcement officer in
26 either of these departments. The total amount of
27 the service retirement allowance of a law en-
28 forcement officer retired in accordance with this
29 paragraph, shall be equal to 1/2 of his average
30 final compensation and an additional 2% of his
31 average final compensation for each year of mem-
32 bership service not included in determining eli-
33 gibility for retirement under this paragraph.

34 Upon the death of a law enforcement officer of
35 the Department of Marine Resources or a law en-
36 forcement officer of the Department of Inland
37 Fisheries and Wildlife who is the recipient of a
38 retirement allowance under this ~~section~~
39 paragraph, without optional modification, or is
40 retired under the disability provisions, the sur-
41 viving spouse, shall become entitled to a retire-
42 ment allowance which shall be equal to 1/2 of the
43 amount being paid at the time of his death and
44 which payment shall continue for the remainder of

1 his or her lifetime or until he or she becomes
2 the dependent of another person.

3 A commissioner or a deputy commissioner of the
4 Department of Marine Resources may retire under
5 this paragraph if he has contributed as a law en-
6 forcement officer under section 1095, subsection
7 3.

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

11 E. Any forest ranger in the Department of Con-
12 servation, who is employed as such before Septem-
13 ber 1, 1984, may retire at attained age 50 or
14 upon completion of 25 years of total creditable
15 service as a forest ranger in this department,
16 whichever is later. The total amount of the ser-
17 vice retirement allowance of a forest ranger in
18 this department, retired in accordance with this
19 paragraph, shall be equal to 1/2 of his average
20 final compensation and an additional 2% of his
21 average final compensation for each year of mem-
22 bership service not included in the age and ser-
23 vice conditions for retirement under this para-
24 graph.

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

27 A. Any member who

28 (2) Is an airplane pilot employed by the
29 State of Maine, who is employed as such be-
30 fore September 1, 1984; or a member of a
31 fire or police department including the
32 chiefs thereof and sheriffs and deputy sher-
33 iffs, and, in any case, who has at least 25
34 years of creditable service in his respec-
35 tive capacity, may be retired on or after
36 the attainment of age 55 on a service re-
37 tirement allowance.

38 Any participating local district electing these
39 benefits may, by filing with the board of trust-
40 ees a duly certified copy of its action, discon-

1 tinue any such benefit as to members of a fire or
2 a police department, including the chiefs thereof
3 and sheriffs and deputy sheriffs hired after the
4 effective date of the action only, and may there-
5 upon substitute for the benefit any other benefit
6 provided for by this chapter. Nothing in this
7 paragraph may be construed to affect in any way
8 the rights of public employees to collectively
9 bargain for terms and conditions of employment.

10 Sec. 9. 5 MRSA §1121, sub-§4, ¶D, as amended by
11 PL 1983, c. 480, Pt. A, §6, is further amended to
12 read:

13 D. Any member who is a liquor inspector, includ-
14 ing the chief inspector, who is employed as such
15 before September 1, 1984, and who has completed
16 at least 25 years of creditable service in his
17 respective capacity, may retire at age 55 on a
18 service retirement allowance, which shall be
19 equal to 1/2 of his average final compensation
20 and an additional 2% of his average final compen-
21 sation for each year of membership service not
22 included in the age and service conditions for
23 retirement under this paragraph.

24 Sec. 10. 5 MRSA §1121, sub-§4, ¶F, as repealed
25 and replaced by PL 1977, c. 580, §11, is amended to
26 read:

27 F. Any member who is the warden or deputy warden
28 of the Maine State Prison, or any officer or em-
29 ployee of the Maine State Prison employed as a
30 guard, or engaged in any management of prisoners,
31 or as the supervising officers of any such guards
32 or employees, who is employed as such before Sep-
33 tember 1, 1984, and in any case, who has at least
34 20 years of creditable service in his respective
35 capacity, or cumulatively in any combination of
36 such prison employment capacities may retire at
37 age 50 on a service retirement allowance, which
38 shall be equal to 1/2 of his average final com-
39 pensation and an additional 2% of his average fi-
40 nal compensation for each year of membership ser-
41 vice not included in the age and service condi-
42 tions for retirement under this paragraph.

1 Sec. 11. 5 MRSA §1121, sub-§4, ¶¶G, H and I are
2 enacted to read:

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

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

23 H. A member hired after August 31, 1984, as the
24 warden or deputy warden of the Maine State Pris-
25 on, or any officer or employee of the Maine State
26 Prison employed as a guard, or engaged in any
27 management of prisoners, or as the supervising
28 officers of any such guards or employees, may re-
29 tire after completion of 25 years of creditable
30 service in such a position or positions and at-
31 tainment of age 55; the service retirement allow-
32 ance shall be determined in accordance with sub-
33 section 2, paragraph A.

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

1 section. For this purpose, the tables of annui-
2 ties as approved by the board of trustees at the
3 dates of retirement shall be used.

4 I. A member hired after August 31, 1984, as a
5 law enforcement officer in the Department of In-
6 land Fisheries and Wildlife or as a law enforce-
7 ment officer in the Department of Marine Re-
8 sources may retire after completion of 25 years
9 of creditable service in such a position and at-
10 tainment of age 55; the service retirement shall
11 be determined in accordance with subsection 2,
12 paragraph A.

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

26 Sec. 12. 5 MRSA §1121, sub-§12 is enacted to
27 read:

28 12. Transfer from special plan. Any member who
29 has completed the service requirements for retirement
30 under a special plan in this section may transfer to
31 a position not under such special plan and accrue ad-
32 ditional creditable service. Upon retirement, the
33 portion of the member's retirement allowance based
34 upon creditable service earned after being trans-
35 ferred shall be subject to reduction under subsection
36 3 and, if applicable, the benefit based upon credit-
37 able service earned before being transferred shall be
38 subject to reduction under subsection 4, paragraphs
39 G, H and I. This subsection shall also be applicable
40 to a person who retires under a special plan and is
41 subsequently restored to service in accordance with
42 section 1123. For purposes of this subsection, a
43 special plan is the retirement program in any of the

1 following: subsection 1, paragraphs C, D and E or
2 subsection 4, paragraph A, as it relates to employees
3 of the State and paragraphs C, D, F, G, H and I. The
4 computation of the retirement allowance shall be
5 based upon the member's average final compensation as
6 defined in section 1001, subsection 3.

7 FISCAL NOTE

8 By reducing the level of the state's contribu-
9 tions required to fund prospective retirement bene-
10 fits for various groups of state employees hired af-
11 ter August 31, 1984, this new draft will result in
12 substantial future savings to the State.

13 STATEMENT OF FACT

14 This new draft provides that, except for members
15 of the State Police, Inland Fisheries and Wildlife
16 and Marine Resources wardens, and Maine State Prison
17 personnel, all employees hired into state service af-
18 ter August 31, 1984, may retire at age 60 or after 25
19 years of creditable service. The new draft elimi-
20 nates special or early retirement plans for prospec-
21 tive employees hired as forest rangers, state air-
22 plane pilots and liquor inspectors. No current state
23 employee is affected.

24 State Police, game wardens, marine patrol war-
25 dens, and certain Maine State Prison personnel war-
26 dened after August 31, 1984, may retire after com-
27 pletion of 25 years of service and the attainment of
28 age 55. The benefit would be calculated the same as
29 for regular employees. Retirement before age 55 with
30 25 years of service would be possible at a reduced
31 benefit.

32 Prospective elimination of special retirement
33 plans will make the Maine State Retirement System
34 both more cost effective and more equitable. Cost
35 savings, although realized gradually rather than im-
36 mediately, will be substantial. Finally, raising the
37 minimum retirement age for most state employees is
38 consistent with national trends in the public and
39 private sectors.

1 The new draft also provides that an employee who
2 has met the service requirements for retirement under
3 a special plan may transfer to a position under the
4 regular retirement plan without reduction of special
5 retirement benefits.

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