

D. OF R.

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1	L.D. 638
2	(Filing No. S-185)
3	STATE OF MAINE
4 5	SENATE 112TH LEGISLATURE
6	FIRST REGULAR SESSION
7	COMMITTEE AMENDMENT "A " to S.P. 243, L.D. 638,
8	Bill, "AN ACT Relating to the Allowance of Prior Ser-
9 10	vice Credit under the Maine Retirement Law for Mili- tary Service."
11	Amend the Bill by striking out everything after
12 13	enacting clause and inserting in its place the fol- lowing:
10	Towing.
14	'5 MRSA §1094, sub-§13, as amended by PL 1981, c.
15 16	217, is repealed and the following enacted in its place:
1 77	
17 18	13. Military service credit. Military service shall be credited as follows.
19	A. Anything to the contrary notwithstanding,
20	military service shall be credited to all state
21	employees who are unable to otherwise qualify for
22	military service credits. A state employee shall
23	be entitled to this credit only if at point of
24 25	retirement he shall have at least 15 years of
25 26	creditable service in the State Retirement Sys- tem. The member shall contribute to the retire-
27	ment system for each year of military service
28	claimed that percentage of contribution required
29	of active members during the period of time cov-
30	ered by the military service applied to the earn-
31	able compensation paid that member during the
32	first year of state employment subsequent to ser-
33	vice in the Armed Forces of the United States,
34 35	together with interest at 2% greater than regular interest from January 1, 1976, or the date of at-
35	taining 15 years of creditable service, if later,
37	to the date of payment; 5% shall be the minimum
38	rate of contribution. In the event 2 or more
39	percentages of contribution were in effect during



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the period of military service, the greatest percentage of contribution shall govern. Credit for military service under this subsection shall be limited to 4 years. Credit shall be available to those persons who were separated under conditions other than dishonorable from the Armed Forces of the United States.

A local district may elect, with regard to spe-cial retirement plans under section 1092, subsec-8 9 tion 3 and section 1121, subsections 4, 8 and 9, that military service credits under this subsec-10 11 12 tion shall only apply to additional retirement 13 benefits under section 1092, subsection 3-A, and 14 shall not apply to age or service requirements of 15 retirement. Nothing in this paragraph may be con-16 strued to affect in any way the rights of public 17 employees to collectively bargain for terms and 18 conditions of employment.

19It is the intent that these provisions shall ap-20ply to all persons, active or retired, but that21for those already retired the effective date of22any adjustment shall be not earlier than that23date on which such time or credit is certified to24the Maine State Retirement System. This subsec-25tion shall not apply to any member who begins26membership on or after January 1, 1976.

27 B. Any member not entitled to receive military 28 service credit pursuant to paragraph A or section 29 1091, subsection 6, who served on full-time ac-30 tive duty as a member of the Armed Forces of the United States at any time from August 5, 1964, to May 7, 1975, and was separated under conditions other than dishonorable, may be granted credit-able service for that military service. Credit 31 32 33 34 35 military service under this paragraph shall for 36 be limited to 4 years. A member shall be enti-37 tled to this credit only if at point of retire-38 ment he shall have at least 15 years of member-39 ship service and is unable to qualify for miliD. OF R.

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1	tary service credits or benefits from any other
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	retirement plan, according to the rules estab-
3	lished by the board of trustees. The member
4	shall contribute to the retirement system for the
5	period of military service at the rate prescribed
6	by section 1095 applied to his earnings during
7	the 12 months preceding the month in which he
8	pays or begins payment of the required contribu-
9	tions. Interest at a rate not to exceed regular
10	interest by more than 5 percentage points as set
11	by the board shall be paid on the unpaid balance
12	
	from the first day of the month in which the mem-
13	ber begins payment to the date payment is com-
14	pleted. A participating local district that has
15	adopted paragraph A as part of its plan may adopt
16	this paragraph as part of its plan and may elect,
17	with regard to special retirement plans under
18	section 1092, subsection 3 and section 1121, sub-
19	sections 4, 8 and 9, that military service credit
20	under this subsection shall apply only to addi-
21	tional retirement benefits under section 1092,
22	subsection 3-A and shall not apply to service re-
23	
	guirements of retirement. Nothing is this para-
24	graph may be construed to affect in any way the
25	rights of public employees to bargain collective-
26	ly for terms and conditions of employment. This
27	paragraph shall not apply to any member who be-
28	gins membership after December 31, 1987.'

STATEMENT OF FACT

30 This amendment provides a new procedure whereby 31 veterans of the Vietnam era may buy time in the Maine 32 State Retirement System for active service in the 33 Armed Forces of the United States.

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3-Reported by Senator Clark for the Committee on Aging, Retirement and Veterans. Reproduced and Distributed Pursuant to Senate Rule 12. (6/3/85) (Filing No. S-185)