

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1013

6  
7 H.P. 703

House of Representatives, March 13, 1985

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 Dillenback of Cumberland.  
Cosponsored by Senator Clark of Cumberland.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Relating to Retirement Options for  
18 Legislators.  
19

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

22 Sec. 1. 3 MRSA c. 29 is enacted to read:

23 CHAPTER 29

24 LEGISLATIVE RETIREMENT

25 SUBCHAPTER I

26 GENERAL PROVISIONS

27 §701. Definitions

28 As used in this chapter, unless the context indi-  
29 cates otherwise, the following terms have the follow-  
30 ing meanings.

1           1. Accumulated contributions. "Accumulated con-  
2 tributions" means the sum of all the amounts credited  
3 to a member's individual account, together with regul-  
4 lar interest on the account.

5           2. Actuarial equivalent. "Actuarial equivalent"  
6 means a benefit which is of equal value when computed  
7 at regular interest, based on the mortality and ser-  
8 vice tables adopted by the board of trustees.

9           3. Average final compensation. "Average final  
10 compensation" means a member's average annual rate of  
11 earnable compensation during the last 2 full terms of  
12 service as a Legislator or during one full term if  
13 the period of service is less than 2 full terms.

14           4. Beneficiary. "Beneficiary" means any person  
15 who receives or is designated to receive a benefit  
16 provided by this chapter.

17           5. Board of trustees. "Board of trustees" means  
18 the board provided for in section 731.

19           6. Child or children. "Child" or "children"  
20 means any unmarried, natural, born or unborn or le-  
21 gally adopted progeny of the member, under 18 years  
22 of age or under 22 years of age and a full-time stu-  
23 dent, or, regardless of age or marital status, any  
24 other progeny certified by the medical board to be  
25 permanently mentally incompetent or permanently phys-  
26 ically incapacitated and determined by the executive  
27 director to be unable to engage in any substantially  
28 gainful employment.

29           The board of trustees shall adopt such rules as are  
30 found necessary for a beneficiary to qualify as a  
31 full-time student.

32           7. Consumer Price Index. "Consumer Price Index"  
33 means the Consumer Price Index for Urban Wage Earners  
34 and Clerical Workers, CPI-W: United States City Avera-  
35 ge. All items, 1967=100, unadjusted, as compiled by  
36 the United States Department of Labor, Bureau of La-  
37 bor Statistics; or, if the index is revised or super-  
38 seded, the Consumer Price Index shall be the index  
39 represented by the United States Bureau of Labor Sta-  
40 tistics as reflecting most accurately changes in the  
41 purchasing power of the dollar by consumers.

1           8. Creditable service. "Creditable service"  
2 means service rendered while a member of the Maine  
3 Legislative Retirement System or the Maine State Re-  
4 retirement System for which credit is allowed under  
5 section 802.

6           9. Earnable compensation. "Earnable compensa-  
7 tion" means the actual compensation of a Legislator.  
8 Any money paid by the State under an annuity contract  
9 for the future benefit of a Legislator shall be con-  
10 sidered part of the Legislator's earnable compensa-  
11 tion. The earnable compensation of a member retired  
12 with a disability retirement allowance under section  
13 853 shall be assumed, for the purposes of determining  
14 benefits under this chapter, to be continued after  
15 his date of termination of service at the same rate  
16 as received immediately prior to that time, subject  
17 to the same percentage adjustments, if any, that may  
18 apply to the amount of retirement allowance of the  
19 beneficiary under section 858.

20           10. Father. "Father" means a natural or adoptive  
21 male parent or male stepparent.

22           11. Legislator. "Legislator" means a member of  
23 the Legislature who is actively serving as of Decem-  
24 ber 3, 1986, or who is elected subsequent to December  
25 2, 1986.

26           12. Member. "Member" means a Legislator who is  
27 included in the membership of the Maine Legislative  
28 Retirement System, as provided in section 801.

29           13. Mother. "Mother" means a natural or adoptive  
30 female parent or female stepparent.

31           14. Parent. "Parent" means mother or father.

32           15. Regular interest. "Regular interest" means  
33 interest at the rate which the Board of Trustees of  
34 the Maine State Retirement System sets from time to  
35 time, in accordance with Title 5, section 1061, sub-  
36 section 2.

37           16. Retirement. "Retirement" means the termina-  
38 tion of membership service with a retirement allow-  
39 ance granted under this chapter.

1       17. Spouse. "Spouse" means the person currently  
2 married to a member.

3       §702. Name; date of establishment and purpose

4       There is established the Maine Legislative Re-  
5 irement System, which shall have the powers and  
6 privileges of a corporation.

7       The purpose of the Maine Legislative Retirement  
8 System is to provide retirement allowances and other  
9 benefits under this chapter for Legislators.

10       §703. Exemption from taxation and execution

11       A person's right to a retirement allowance or the  
12 return of contributions, the retirement allowance it-  
13 self, any optional benefit or death benefit or any  
14 other right accrued or accruing to any person under  
15 this chapter in the fund created under this chapter,  
16 shall not be subject to execution, garnishment, at-  
17 tachment or other process, except as provided by this  
18 section. These rights shall be unassignable, except  
19 as provided by this chapter.

20       A member's retirement allowance shall be availa-  
21 ble to satisfy any child support obligation which is  
22 otherwise enforceable by execution, garnishment, at-  
23 tachment, assignment or other process. A member's ac-  
24 cumulated contributions, which are refundable under  
25 section 805, shall be available to satisfy any child  
26 support obligation which is otherwise enforceable by  
27 execution, garnishment, attachment, assignment or  
28 other process.

29       §704. Beneficiaries under disability

30       Any beneficiary who is entitled to make an elec-  
31 tion of benefits under subchapter V, but is not law-  
32 fully qualified to make that election, shall have  
33 that election made in his behalf by the person autho-  
34 riized to do so by Title 18-A, Article V.

35                   SUBCHAPTER II

36                   ADMINISTRATION

1     §731. Board of trustees

2             The Board of Trustees of the Maine Legislative  
3 Retirement System shall consist of those persons who  
4 are members of the Board of Trustees of the Maine  
5 State Retirement System. The Board of Trustees of the  
6 Maine Legislative Retirement System is responsible  
7 for the proper operation and implementation of the  
8 Maine Legislative Retirement System under this chap-  
9 ter.

10            1. Duties. The board shall have the same duties  
11 with respect to the Maine Legislative Retirement Sys-  
12 tem as the Board of Trustees of the Maine State Re-  
13 irement System has with the Maine State Retirement  
14 System, including, but not limited to, those powers  
15 and duties enumerated in Title 5, chapter 101, sub-  
16 chapters II and III.

17            2. Administration of Maine Legislative Retirement  
18 System. The board of trustees shall administer  
19 the Maine Legislative Retirement System and may  
20 promulgate and publish, in accordance with the Maine  
21 Administrative Procedure Act, Title 5, chapter 375,  
22 subchapter II, any rules necessary and proper to give  
23 effect to the intent, purposes and provisions of this  
24 chapter.

25            3. Expenses. The trustees shall be compensated,  
26 as provided in Title 5, chapter 379, from the funds  
27 of the Maine Legislative Retirement System.

28            4. Oath. Each trustee shall, within 10 days af-  
29 ter the effective date of this chapter and thereaf-  
30 ter, within 10 days after his appointment or elec-  
31 tion, take an oath of office to faithfully discharge  
32 the duties of a trustee, in the form prescribed by  
33 the Constitution of Maine. This oath shall be sub-  
34 scribed to by the trustee making it, certified by the  
35 officer before whom it is taken and immediately filed  
36 in the office of the Secretary of State.

37            5. Quorum. Each voting trustee shall be entitled  
38 to one vote on the board of trustees. Four trustees  
39 shall constitute a quorum for the transaction of any  
40 business. Four votes shall be necessary for any reso-  
41 lution or action by the board of trustees at any  
42 meeting of the board.

1     §732. Executive director

2             The Executive Director of the Maine State Retirement System shall be the Executive Director of the  
3 Maine Legislative Retirement System. The executive  
4 director shall have the same powers and duties with  
5 respect to the Maine Legislative Retirement System as  
6 he does with the Maine State Retirement System, ex-  
7 cept as provided in this chapter.

9     §733. Actuary

10            The Actuary of the Maine State Retirement System  
11 shall be the Actuary of the Maine Legislative Retirement  
12 System.

13     §734. Medical board

14            The Medical Board of the Maine State Retirement  
15 System shall be the Medical Board of the Maine Legis-  
16 lative Retirement System. The medical board shall ar-  
17 range for and pass upon all medical examinations re-  
18 quired under this chapter with respect to disability  
19 retirements and shall report, in writing to the exec-  
20 utive director, its conclusions and recommendations  
21 upon all the matters referred to it. If required,  
22 other physicians may be employed to report on special  
23 cases.

24     §735. Administrative procedures

25            Appeal from the executive director's decision  
26 shall be the same as provided for the Maine State Re-  
27 irement System in Title 5, section 1181.

28     §736. Legal adviser

29            The Attorney General or an assistant designated  
30 by him shall be legal adviser of the Board of Trust-  
31 ees of the Maine Legislative Retirement System.

32                             SUBCHAPTER III

33                                     FINANCING

34     §751. Control of funds

1       The board of trustees shall be the trustee of the  
2 funds created by this chapter and shall administer  
3 those funds in the same manner as is provided for the  
4 administration of the Maine State Retirement System  
5 funds in accordance with Title 5, chapter 101, chap-  
6 ter III. The board may establish separate funds or  
7 accounts within a fund, as necessary.

8       §752. Custodian of funds

9       Except as otherwise provided, the Treasurer of  
10 State is the custodian of the funds of the Maine Leg-  
11 islative Retirement System. Upon receipt of vouchers  
12 signed by a person or persons designated by the  
13 board, the State Controller shall draw a warrant on  
14 the Treasurer of State for the amount so authorized.  
15 A duly attested copy of the resolution of the board  
16 designating those persons and bearing on its face  
17 their specimen signatures shall be filed with the  
18 State Controller as his authority for making payments  
19 upon the vouchers.

20       §753. Expenses

21       All money to pay the administrative expenses of  
22 the Maine Legislative Retirement System shall be paid  
23 by the State.

24       1. Estimate funds biennially. Biennially the  
25 board of trustees shall estimate the amount of money  
26 which they deem necessary to provide for the expenses  
27 of administration and operation of the Maine Legisla-  
28 tive Retirement System during the ensuing biennium.  
29 The State shall pay that amount, for that purpose,  
30 into the fund established for that purpose.

31       2. Balance. Any unexpended balance shall not  
32 lapse, but shall constitute a continuous carrying ac-  
33 count.

34       §754. Investments

35       The board of trustees may combine funds from the  
36 Maine Legislative Retirement System and the Maine  
37 State Retirement System for investment purposes. The  
38 assets and funds of the Maine State Retirement System  
39 and the assets and funds of the Maine Legislative Re-



1 tirement System shall not be combined for benefit  
2 payment purposes or for administrative expenses.

3 §755. Legislative findings and intent

4 1. Findings. The Legislature finds that the  
5 State owes a great debt to its retired Legislators  
6 for their years of faithful and productive service.  
7 Part of that debt is repaid by the benefits provided  
8 to Legislators through the Maine Legislative Retirement  
9 System.

10 2. Intent. It is the intent of the Legislature  
11 that there shall be appropriated and transferred an-  
12 nually to the Maine Legislative Retirement System the  
13 funds necessary to meet the system's long-term and  
14 short-term financial obligations based on the actu-  
15 arial assumptions established by the board of trustees  
16 upon the advice of the actuary. The goal of the actu-  
17 arial assumptions shall be to achieve a fully funded  
18 system. The system's unfunded liability shall be  
19 funded by annual appropriations over the funding pe-  
20 riod of the system.

21 3. Implementation. It shall be the responsibili-  
22 ty of the board of trustees to calculate the funds  
23 necessary to maintain the system on an actuarially  
24 sound basis, including the unfunded liability arising  
25 from payment of benefits for which contributions were  
26 not received and to transmit those calculations to  
27 the State Budget Officer as required by Title 5, sec-  
28 tions 1661 to 1667. It shall be the responsibility of  
29 the Legislature to appropriate and transfer those  
30 funds annually.

31 SUBCHAPTER IV

32 MEMBERSHIP AND CONTRIBUTION

33 §801. Membership

34 1. Membership mandatory. Every Legislator  
35 serving in the Legislature on or after December 3,  
36 1986, shall be a member of the Maine Legislative Re-  
37 irement System, except that any Legislator who is a  
38 member of the Maine State Retirement System on Decem-  
39 ber 2, 1986, may continue to be a member of that sys-

1 tem instead of becoming a member of the Maine Legis-  
2 lative Retirement System, and any Legislator who is a  
3 public school teacher on leave of absence shall con-  
4 tinue to be a member of the Maine State Retirement  
5 System and have contributions deducted from his leg-  
6 islative salary as provided by Title 5, section 1094,  
7 subsection 3. A Legislator who is the recipient of a  
8 retirement allowance from the Maine State Retirement  
9 System may become a member of the Maine Legislative  
10 Retirement System, but no creditable service granted  
11 under the Maine State Retirement System shall be  
12 transferred to the Maine Legislative Retirement Sys-  
13 tem. A member shall cease to be a member when he  
14 withdraws his contributions, becomes a beneficiary as  
15 a result of his own retirement or dies.

16 2. Reports from Legislative Administrative Di-  
17 rector. The Legislative Administrative Director shall  
18 submit to the board a statement showing the name, ti-  
19 tle, compensation, sex, date of birth and length of  
20 service of each member and any other information as  
21 the board may require at such times as the board may  
22 require.

23 §802. Creditable service

24 Creditable service for the purpose of determining  
25 benefits under this chapter shall be allowed as fol-  
26 lows.

27 1. Legislative service after December 2, 1986.  
28 All legislative service of a member after December 2,  
29 1986, for which contributions are made, shall be al-  
30 lowed as creditable service without contribution by  
31 the member.

32 2. Legislative service before December 3, 1986.  
33 All service of a member as a Legislator before Decem-  
34 ber 3, 1986, shall be allowed as creditable service  
35 upon payment of contributions at that percentage rate  
36 required of members of the Maine State Retirement  
37 System during the period of time covered by the leg-  
38 islative service applied to the earnable compensation  
39 of the member, together with interest at a rate set  
40 by a rule of the board from the end of the calendar  
41 year in which the compensation was paid to the date  
42 payment of the contributions is made.

1           3. Disability retirement. The period following  
2 the termination of service for which a beneficiary  
3 receives disability retirement allowance payments un-  
4 der section 853 shall be allowed as membership ser-  
5 vice.

6           4. Maine State Retirement System service. Cred-  
7 itable service as a member of the Maine State Retire-  
8 ment System as a state employee shall be allowed as  
9 creditable service of the Maine Legislative Retire-  
10 ment System as follows.

11           A. Any member who has not withdrawn his accumu-  
12 lated contributions with the Maine State Retire-  
13 ment System may, upon becoming a Legislator, have  
14 his Maine State Retirement System contributions  
15 and membership service transferred to his account  
16 with the Maine Legislative Retirement System and  
17 all creditable service resulting from his member-  
18 ship in the Maine State Retirement System shall  
19 be creditable service in the Maine Legislative  
20 Retirement System.

21           All funds in the Maine State Retirement System  
22 contributed by the State on account of the  
23 member's employment shall be transferred to the  
24 Maine Legislative Retirement System and shall be  
25 used to liquidate the liability incurred by rea-  
26 son of his previous employment. The State shall  
27 make such contributions, from time to time, as  
28 may be necessary to provide the benefits under  
29 the Maine Legislative Retirement System for the  
30 member as have accrued to him by reason of his  
31 previous employment and may accrue to him by rea-  
32 son of his membership in the Maine State Retire-  
33 ment System.

34           B. Any member who has withdrawn his accumulated  
35 contributions from the Maine State Retirement  
36 System may, subsequent to becoming a Legislator  
37 and prior to the date any retirement allowance  
38 becomes effective for him, deposit in the fund by  
39 a single payment or by an increased rate of con-  
40 tribution an amount equal to the accumulated con-  
41 tributions withdrawn by him, together with inter-  
42 est at a rate set by a rule of the board from the  
43 date of withdrawal to the date of repayment. If

1           repayment is made in installments, interest shall  
2           continue to accrue on the outstanding balance.  
3           The member shall be entitled to all creditable  
4           service that he acquired during his previous mem-  
5           bership. In the event any retirement allowance  
6           becomes effective before repayment is completed,  
7           the member shall be entitled to credit for that  
8           portion of the total of the previous creditable  
9           service which the total amount of payments actu-  
10           ally made bears to the total amount, including  
11           interest at a rate set by a rule of the board  
12           from the date of withdrawal to the date the re-  
13           irement allowance becomes effective.

14           C. No person may receive benefits under both the  
15           Maine Legislative Retirement System and the Maine  
16           State Retirement System based upon the same peri-  
17           od of service.

18           5. Amount of service per year. The board shall  
19           establish by rule the amount of creditable service to  
20           be granted for service rendered during a year, but in  
21           no case shall it allow more than one year of service  
22           for all service in one calendar year.

23           §803. State contribution

24           1. Payment. For each member, the State shall pay  
25           annually into the fund an amount known as the employ-  
26           er contribution.

27           2. Employer contribution. Employer contribution  
28           shall be fixed on the basis of the assets and liabil-  
29           ities of the Maine Legislative Retirement System as  
30           shown by actuarial valuation and shall be expressed  
31           as a percentage of the annual earnable compensation  
32           of each member.

33           A. The employer contribution rate shall repre-  
34           sent the percentage of the member's compensation  
35           payable during periods of membership required to  
36           provide the difference between the total liabili-  
37           ties for retirement allowances and the amount of  
38           the assets in the fund.

39           B. The employer contribution rate shall be de-  
40           termined on actuarial bases adopted by the board.

1           The rate shall be determined by the board after  
2           each valuation and shall continue in force until  
3           a new valuation is made.

4           3. State contribution procedure. The board of  
5           trustees shall submit budget estimates to the State  
6           Budget Officer in accordance with Title 5, section  
7           1665.

8           On each payroll for Legislators, the State Controller  
9           shall cause a charge to be made of an amount or  
10           amounts in payment of the state costs of all charges  
11           related to the Maine Legislative Retirement System  
12           and which shall be credited to the appropriate ac-  
13           counts of the fund. Percentage rates to be predeter-  
14           mined by the actuary and approved by the board of  
15           trustees shall be applied to the total gross salaries  
16           of members appearing on those payrolls and the re-  
17           sultant charges shall be periodically credited to the  
18           retirement fund.

19           4. Minimum amount of employer contribution. The  
20           aggregate payment by the State into the fund shall be  
21           at least sufficient to provide the benefits payable  
22           out of the fund during the current year.

23           §804. Members' contributions

24           Each member shall contribute at a rate of 4% of  
25           earnable compensation.

26           §805. Return of accumulated contributions

27           1. Refund of contributions. Following termina-  
28           tion of service, except by death or retirement under  
29           this chapter, a member, upon application to the Maine  
30           Legislative Retirement System, shall be paid the  
31           amount of his accumulated contributions to the sys-  
32           tem, if any.

33           A. If the member has less than 10 years of cred-  
34           itable service, interest shall not be paid on the  
35           accumulated contribution for any period after the  
36           5th anniversary of termination of service.

37           B. Payment shall be made upon application and  
38           upon termination of service and in not less than

1       22 days and not more than 37 days after receipt  
2       of the last payroll upon which the name of the  
3       member appears.

4       2. Applicability. This section shall not apply  
5       to contributions paid by the State.

6                                   SUBCHAPTER V

7                                   PAYMENT OF BENEFITS

8       §851. Eligibility for retirement

9               Upon written application to the board setting  
10             forth the date upon which he chooses to retire, any  
11             member may retire on a service retirement allowance  
12             upon meeting one of the following.

13            1. Age 60 years. Any member in service may re-  
14            tire on or after his 60th birthday. Any member not in  
15            service may retire at the age of 60 years or thereaf-  
16            ter provided that he has at least 10 years of credit-  
17            able service or 5 full terms as a Legislator.

18            2. Early retirement. Any member in service who  
19            has completed at least 25 years of creditable ser-  
20            vice, may retire any time before his 60th birthday.  
21            The retirement allowance shall be determined in ac-  
22            cordance with section 852, except that it shall be  
23            reduced by multiplying the retirement allowance by a  
24            fraction which represents the ratio of the amount of  
25            a life annuity due at age 60 years to the amount of a  
26            life annuity due at the age of retirement. The tables  
27            of annuities in effect at the date of retirement  
28            shall be used for this purpose.

29       §852. Retirement benefits

30            1. Amount. The service retirement allowance of a  
31            member shall be determined under this chapter in ef-  
32            fect on the member's date of final termination of  
33            service. Subject to the minimum benefit provided for  
34            in paragraph B, the total amount of the retirement  
35            allowance of a member retired in accordance with sec-  
36            tion 851 shall be equal to:

1        A. One-fiftieth of the member's average final  
2        compensation multiplied by the number of years of  
3        creditable service allowed under section 802; and

4        B. Any member who has 10 or more years of cred-  
5        itable service at retirement shall be entitled to  
6        a minimum of \$100 per month.

7        §853. Disability retirement

8        Any member who becomes disabled while in service  
9        may receive a disability retirement allowance on the  
10       same basis as provided for members of the Maine State  
11       Retirement System by Title 5, section 1122.

12       §854. Restoration to service

13       If a recipient of a retirement allowance under  
14       this chapter again becomes a member of the Legisla-  
15       ture, he may:

16       1. Receive allowance. Continue to receive the  
17       retirement allowance and not accrue any additional  
18       creditable service for that legislative service; or

19       2. Discontinue allowance. Direct, in writing,  
20       that the executive director discontinue his retire-  
21       ment allowance and he shall accrue additional credit-  
22       able service for that legislative service.

23       §855. Ordinary death benefits

24       If a member who is in service or a former member  
25       who is a recipient of a disability retirement allow-  
26       ance dies, his beneficiary, or relative if he has no  
27       designated beneficiary, shall be entitled to benefits  
28       on the same basis as provided for beneficiaries of  
29       state employees who are members of the Maine State  
30       Retirement System by Title 5, section 1124.

31       §856. Accidental death benefits

32       If a member or a former member who is receiving a  
33       disability retirement allowance dies as a result of  
34       an injury received in the line of duty, benefits  
35       shall be paid on the same basis as provided for mem-  
36       bers of the Maine State Retirement System by Title 5,  
37       section 1125.

1     §857. Payment of service retirement allowance

2             All service retirement allowances shall be paid  
3     on the same basis as provided for members of the  
4     Maine State Retirement System by Title 5, section  
5     1126.

6     §858. Cost-of-living and other adjustments

7             Retirement allowances under this chapter shall be  
8     adjusted on the same basis as provided for members of  
9     the Maine State Retirement System by Title 5, section  
10    1128.

11            Sec. 2. 5 MRSA §285, sub-§1, ¶A, as enacted by  
12    PL 1983, c. 692, §1, is amended to read:

13            A. Each appointed or elective officer or employ-  
14    ee of the State ~~of Maine~~ who is eligible for mem-  
15    bership in the Maine State Retirement System,  
16    Maine Legislative Retirement System or the State  
17    Police Retirement System;

18            Sec. 3. 5 MRSA §1091, sub-§1 is amended to read:

19            1. Employee; elected officials. Any person who  
20    shall become an employee shall become a member of the  
21    retirement system as a condition of employment and  
22    shall not be entitled to receive any retirement al-  
23    lowance under any other retirement provisions sup-  
24    ported wholly or in part by the State, anything to  
25    the contrary notwithstanding. Membership shall be op-  
26    tional in the case of any class of elected officials  
27    or any class of officials appointed for fixed terms.  
28    Any person who becomes a member of the Legislature  
29    after December 3, 1986, shall not be entitled to be-  
30    come a member of the Maine State Retirement System,  
31    but shall be entitled to membership in the Maine Leg-  
32    islative Retirement System. A Legislator who is a  
33    member of the Maine State Retirement System on Decem-  
34    ber 2, 1986, may continue to be a member as long as  
35    he does not withdraw his contributions or become a  
36    beneficiary as a result of his own retirement.

37            Sec. 4. 5 MRSA §1094, sub-§3-A is enacted to  
38    read:



1           3-A. Maine Legislative Retirement System ser-  
 2           vice. A member who has served as a member of either  
 3           the House of Representatives or of the Senate and re-  
 4           ceived creditable service in the Maine Legislative  
 5           Retirement System may have that creditable service  
 6           transferred to the Maine State Retirement System.  
 7           Credit shall be granted by the Maine State Retirement  
 8           System on the basis of one year of Maine State Re-  
 9           tirement System creditable service for each full term  
 10          of Maine Legislative Retirement System creditable  
 11          service.

12                 **Emergency clause.** In view of the emergency  
 13                 cited in the preamble, this Act shall take effect  
 14                 when approved.

15   STATEMENT OF FACT

16                 This bill creates the Maine Legislative Retirement  
 17                 System as of December 3, 1986. Every Legislator  
 18                 serving in the Legislature on or after December 3,  
 19                 1986, will be a member of the new system.

20                 Legislators already in the Maine State Retirement  
 21                 System may remain members of the Maine State Retirement  
 22                 System as long as they do not withdraw their  
 23                 contributions.

24                 The benefits available for the new Maine Legislative  
 25                 Retirement System will remain the same as those  
 26                 available under the Maine State Retirement System.

27                 There is a limit on portability between the 2  
 28                 systems. One full legislative term in the Maine Legislative  
 29                 Retirement System will be equivalent to one  
 30                 year of creditable service in the Maine State Retirement  
 31                 System.

32   1978022885