

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1778

6
7 S.P. 692

In Senate, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Aging, Retirement and Veterans
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Dow of Kennebec.

12 STATE OF MAINE
13

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

17 AN ACT to Equalize the Right to Military
18 Leave Credits under the Maine State
19 Retirement System for Vietnam
20 Veterans.
21

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

24 5 MRSA §1094, sub-§13, as amended by PL 1985, c.
25 365, §7, and as repealed and replaced by PL 1985, c.
26 502, is repealed and the following enacted in its
27 place:

28 13. Military service credit. Military service
29 shall be credited as follows.

30 A. Anything to the contrary notwithstanding,
31 military service shall be credited to all state
32 employees for full-time active duty as members of
33 the Armed Forces of the United States who are un-
34 able to otherwise qualify for military service
35 credits or benefits from other retirement plans

1 according to rules to be established by the board
2 of trustees. A state employee shall be entitled
3 to this credit only if, at point of retirement,
4 he has at least 15 years of creditable service in
5 the Maine State Retirement System. The member
6 shall contribute to the retirement system for
7 each year of military service claimed that per-
8 centage of contribution required of active mem-
9 bers during the period of time covered by the
10 military service applied to the earnable compen-
11 sation paid that member during the first year of
12 state employment subsequent to service in the
13 Armed Forces of the United States, together with
14 interest at a rate not to exceed the regular in-
15 terest by 5 percentage points set by the board
16 from January 1, 1976, or the date of attaining 15
17 years of creditable service, if later, to the
18 date of payment. Five percent shall be the mini-
19 um rate of contribution. In the event 2 or more
20 percentages of contribution were in effect during
21 the period of military service, the greatest per-
22 centage of contribution shall govern. Credit for
23 military service under this subsection shall be
24 limited to 4 years. Credit shall be available to
25 those persons who were separated under conditions
26 other than dishonorable from the Armed Forces of
27 the United States.

28 A local district may elect, with regard to spe-
29 cial retirement plans under section 1092, subsec-
30 tion 3, and section 1121, subsections 4, 8 and 9,
31 that military service credits under this subsec-
32 tion only applies to additional retirement bene-
33 fits under section 1092, subsection 3-A, and does
34 not apply to age or service requirements of re-
35 irement. Nothing in this paragraph may be con-
36 strued to affect in any way the rights of public
37 employees to collectively bargain for terms and
38 conditions of employment.

39 It is the intent that these provisions apply to
40 all persons, active or retired, but that, for
41 those already retired, the effective date of any
42 adjustment shall be not earlier than that date on
43 which that time or credit is certified to the
44 Maine State Retirement System. This subsection
45 does not apply to any member who begins member-
46 ship on or after January 1, 1976.

1 B. Any member not entitled to receive military
2 service credit pursuant to paragraph A or section
3 1091, subsection 6, who served on full-time ac-
4 tive duty as a member of the Armed Forces of the
5 United States at any time from August 5, 1964, to
6 May 7, 1975, and was separated under conditions
7 other than dishonorable, may be granted credit-
8 able service for that military service. Credit
9 for military service under this paragraph shall
10 be limited to 4 years. A member shall be enti-
11 tled to this credit only if, at point of retire-
12 ment, he has at least 15 years of membership ser-
13 vice. The member shall contribute to the retire-
14 ment system for the period of military service at
15 the rate prescribed by section 1095 applied to
16 his earnings during the period of time covered by
17 the military service applied to the earnable com-
18 pensation paid that member during the first year
19 of state employment subsequent to service in the
20 Armed Forces of the United States. Interest at a
21 rate not to exceed regular interest by more than
22 2 percentage points as set by the board shall be
23 paid on the unpaid balance from the first day of
24 the month in which the member begins payment to
25 the date payment is completed. A participating
26 local district that has adopted paragraph A as
27 part of its plan may adopt this paragraph as part
28 of its plan and may elect, with regard to special
29 retirement plans under section 1092, subsection
30 3, and section 1121, subsections 4, 8 and 9, that
31 military service credit under this subsection ap-
32 plies only to additional retirement benefits un-
33 der section 1092, subsection 3-A, and does not
34 apply to service requirements of retirement.
35 Nothing in this paragraph may be construed to af-
36 fect in any way the rights of public employees to
37 bargain collectively for terms and conditions of
38 employment. This paragraph does not apply to any
39 member who begins membership after December 31,
40 1987.

1

STATEMENT OF FACT

2 Under this bill, Vietnam veterans will have the
3 same rights as veterans who have joined state service
4 prior to January 1, 1976, as provided in the Maine
5 Revised Statutes, Title 5, section 1094, subsection
6 13, paragraph A. The bill also corrects potential
7 conflicts by incorporating changes made to the Maine
8 Revised Statutes, Title 5, section 1094, subsection
9 13, by Public Laws 1985, chapter 502, and chapter
10 365, section 7.

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