

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1520

H.P. 1047

House of Representatives, April 16, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JALBERT of Lisbon.
Cosponsored by Representative ALIBERTI of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Amend the Maine State Retirement System Laws Relating to
Military Service Credits.**



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

2
3 Sec. 1. 5 MRSA §17655, sub-§1, as amended by PL 1985, c. 801,
4 §§5 and 7, is further amended to read:

6 1. Membership continued. The membership of the following
7 employees is considered to have continued during the period of
8 the employee's service in the Armed Forces of the United States:

10 A. Any employee entering a class of service in the Armed
11 Forces of the United States approved by resolution of the
12 board, if the employee does not withdraw accumulated
13 contributions; and

14 B. Any employee who enlists in or is inducted or drafted
15 into the service of the Armed Forces of the United States in
16 time of war, including:

18 (1) During World War I between April 6, 1917, and
19 March 3, 1921; ~~or~~ and

22 ~~(2) While the United States Selective Service Act of~~
23 ~~1948, Public Law 759, 80th Congress, or any of its~~
24 ~~amendments or extensions is in effect.~~

26 C. Any employee who is drafted into the service of the
27 Armed Forces of the United States while the United States
28 Selective Service Act of 1948, Public Law 759, 80th
29 Congress, or any of its amendments or extensions is in
30 effect.

32 Sec. 2. 5 MRSA §17760, first ¶, as enacted by PL 1985, c. 801,
33 §§5 and 7, is amended to read:

34 Service credit for service in the United States Armed Forces
35 is governed as follows. Except as provided in subsection 1,
36 paragraph B, subparagraph (1), service credit under this section
37 is limited to 4 years.

40 Sec. 3. 5 MRSA §17760, sub-§2, ¶B, as enacted by PL 1985, c.
41 801, §§5 and 7, is repealed.

42 Sec. 4. 5 MRSA §17760, sub-§2, ¶G is enacted to read:

44 G. A member is entitled to credit under paragraph E if that
45 member is unable to qualify for military service credits or
46 benefits from any other retirement plan, according to rules
47 established by the board of trustees.

50 Sec. 5. 5 MRSA §18258, sub-§1, as amended by PL 1987, c. 739,
51 §§32 and 48, is further amended to read:

2 **1. Membership continued.** The membership of the following
employees is considered to have continued during the period of
4 the employee's service in the Armed Forces of the United States:

6 A. Any employee entering a class of service in the Armed
Forces of the United States approved by resolution of the
8 board, if the employee does not withdraw accumulated
contributions; and

10 B. Any employee who enlists in or is inducted or drafted
into the service of the Armed Forces of the United States in
12 time of war, including:

14 (1) During World War I between April 6, 1917, and
March 3, 1921; ~~or~~ and

16 (2) ~~While the United States Selective Service Act of~~
18 ~~1948, Public Law 759, 80th Congress, or any of its~~
~~amendments or extensions is in effect.~~

20 C. Any employee who is drafted into the service of the
22 Armed Forces of the United States while the United States
24 Service Act of 1948, Public Law 759, 80th Congress, or any
of its amendments or extensions is in effect.

26 **Sec. 6. 5 MRSA §18311, sub-§2, ¶A,** as amended by PL 1989, c.
710, §17, is further amended to read:

28 A. If the member qualifies under section 18360, subsection
30 2, ~~paragraph-D,~~ contributions shall must be calculated at
the percentage rate required of active members during the
32 period of time covered by the service in the armed forces
applied to the member's earnable compensation during the
34 first year as an employee subsequent to service in the armed
forces under the following terms and conditions:

36 (1) If 2 or more percentage rates were in effect
38 during the period of service in the armed forces, the
highest percentage rate shall must be used;

40 (2) The minimum rate shall must be 5%; and

42 (3) Interest at a rate set by the board not to exceed
44 regular interest by 2 or more percentage points shall
46 must be paid on the unpaid balance beginning January 1,
1976, or the date of attaining 15 years of creditable
48 service, if later, to the date payment is made.

50 **Sec. 7. 5 MRSA §18311, sub-§2, ¶B,** as enacted by PL 1985, c.
801, §§5 and 7, is repealed.

2 Sec. 8. 5 MRSA §18360, first ¶, as enacted by PL 1985, c. 801,
§§5 and 7, is amended to read:

4 Service credit for service in the Armed Forces of the United
States is governed as follows. Except as provided in subsection
6 1, paragraph B, subparagraph (1), service credit under this
8 section is limited to 4 years.

10 Sec. 9. 5 MRSA §18360, sub-§2, ¶B, as enacted by PL 1985, c.
801, §§5 and 7, is repealed.

12 Sec. 10. 5 MRSA §18360, sub-§2, ¶E, as enacted by PL 1985, c.
801, §§5 and 7, is amended to read:

14 E. A member who served in the armed forces ~~at any time from~~
16 ~~August 5, 1964 to May 7, 1975~~ during any federally
18 recognized period of conflict, as defined in Title 37-B,
20 section 504, subsection 4, paragraph A-1, subparagraph (3),
22 is entitled to service credit under this subsection if he
24 begins membership before January 1, 1988. A member is
entitled to credit under this paragraph if that member is
unable to qualify for military service credits or benefits
from any other retirement plan, according to rules
established by the board of trustees.

26 STATEMENT OF FACT

28 This bill reverses 2 unintended substantive changes made at
30 the time the Maine State Retirement System laws were recodified
32 in 1986 and to make the military service provisions relating to
participating local district members consistent with comparable
laws relating to state employees and teachers.