

MAINE STATE LEGISLATURE

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OK
R. of S.

L.D. 2226

(Filing No. S-553)

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**STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 871, L.D. 2226, "Resolve, to Provide a Special Exemption to the Maine State Prison Advocate for Service Retirement Benefits"

Amend the resolve by striking out the title and substituting the following:

'An Act to Maintain the Retirement Benefits for the Advocate at the Maine State Prison'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Sec. 1. 5 MRSA §17851, sub-§11, as amended by PL 1987, c. 670, is further amended to read:

11. Maine State Prison employees. The warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees or as the Advocate at the Maine State Prison qualifies for a service retirement benefit if he the person:

A. Was employed in one of those capacities before September 1, 1984, and:

- (1) Completes 20 years of creditable service in one or more of those capacities; and
- (2) Retires upon or after reaching the age of 50 years; or

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2 B. Was employed in one of those capacities after August 31,
1984, and completed 25 years of creditable service in one or
4 more of those capacities.

6 Notwithstanding any other provision in this section, no person in
the employ of the Bangor Pre-Release Center on the effective date
8 of this subsection who would have qualified for a service
retirement benefit if the Bangor Pre-Release Center had remained
10 the administrative responsibility of the Maine State Prison may
be denied such a benefit by virtue of the transfer of that
12 responsibility to the Charleston Correctional Facility.

14 **FISCAL NOTE**

16 This bill technically adds an additional position to the
special retirement plan for certain employees of the Maine State
18 Prison. The Department of Corrections has budgeted for
contributions to the Maine State Retirement System as if this
20 position were still eligible under the special plan. Therefore,
no additional funding is required in the current biennium.
22 However, both the Department of Corrections and the Maine State
Retirement System will not realize some minor, future savings.'

26 **STATEMENT OF FACT**

28 Public Law 1989, chapter 925 changed the Advocate at the
30 Maine State Prison from a Maine State Prison employee to an
employee of the Office of Advocacy. Because of this
32 administrative change, the person holding that position would not
be eligible for the same retirement benefits as other employees
34 working at the prison, even though the Advocate at the Maine
State Prison continued to meet the qualifications of the Maine
36 Revised Statutes, Title 5, section 17851, subsection 11,
paragraphs A and B. This amendment assures that the position of
38 Advocate at the Maine State Prison continues to be treated
equally with other positions at that institution.

40 Reported by Senator McCormick for the Committee on Aging,
Retirement and Veterans. Reproduced and Distributed Pursuant
to Senate Rule 12.
(2/19/92) (Filing No. S-553)