

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 622

S.P. 186

In Senate, February 23, 1993

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**An Act to Repeal the Laws Allowing Legislators to Participate in the  
Maine Legislative Retirement System and to Receive State Employee  
Benefits.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.  
Cosponsored by Representatives: GREENLAW of Standish, PENDEXTER of Scarborough.

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

2  
4       **Sec. 1. 3 MRSA §755, sub-§1**, as enacted by PL 1985, c. 507,  
§1, is amended to read:

6           **1. Findings.** The Legislature finds that the State owes a  
8       great debt to its retired Legislators for their years of faithful  
and productive service. Part of that debt is repaid by the  
10       benefits provided to Legislators through the Maine Legislative  
Retirement System. The Legislature further finds that  
12       significant savings are realized by eliminating the State's  
payments for these benefits for service after November 30, 1993.

14       **Sec. 2. 3 MRSA §801, sub-§1**, as amended by PL 1989, c. 133,  
§7, is further amended to read:

16           **1. Membership mandatory.** Every Legislator serving in the  
18       Legislature on or after December 3, 1986, ~~shall be~~ and before  
December 1, 1993 is a member of the Maine Legislative Retirement  
20       System, except that any Legislator who is a member of the Maine  
State Retirement System on December 2, 1986, may continue to be a  
22       member of that system instead of becoming a member of the Maine  
Legislative Retirement System, and any Legislator who is a public  
24       school teacher or an employee of the ~~Vocational-Technical~~  
Institute Maine Technical College System on leave of absence  
26       ~~shall continue~~ continues to be a member of the Maine State  
Retirement System and have contributions deducted from the  
28       member's legislative salary as provided by Title 5, section  
17701. A Legislator who is the recipient of a retirement  
30       allowance from the Maine State Retirement System ~~shall become~~  
becomes a member of the Maine Legislative Retirement System, but  
32       ~~no~~ no creditable service granted under the Maine State Retirement  
System shall may not be transferred to the Maine Legislative  
34       Retirement System. A member ~~shall cease~~ ceases to be a member  
36       when the member withdraws the member's contributions, becomes a  
beneficiary as a result of the member's own retirement or dies.

38       **Sec. 3. 3 MRSA §802, sub-§1**, as enacted by PL 1985, c. 507,  
§1, is amended to read:

40           **1. Legislative service after December 2, 1986 and before**  
42       **December 1, 1993.** All legislative service of a member after  
December 2, 1986, and before December 1, 1993 for which  
44       contributions are made, ~~shall be~~ is allowed as creditable service.

46       **Sec. 4. 3 MRSA §804**, as enacted by PL 1985, c. 507, §1, is  
amended to read:

2           **§804. Members' contributions**

4           Each member shall contribute at a rate of 4% of earnable  
compensation until December 1, 1993.

6           **Sec. 5. 3 MRSA §853**, as amended by PL 1989, c. 133, §9, is  
further amended to read:

8           **§853. Disability retirement**

10           Any member who becomes disabled before December 1, 1993  
12 while in service may receive a disability retirement allowance on  
the same basis as provided for members of the Maine State  
14 Retirement System by Title 5, chapter 423, subchapter V, article  
3.

16           **Sec. 6. 3 MRSA §855**, as amended by PL 1989, c. 133, §10, is  
18 further amended to read:

20           **§855. Ordinary death benefits**

22           If a member who is in service dies prior to December 1, 1993  
24 or a former member who is a recipient of a disability retirement  
allowance as of December 1, 1993 dies at any time, the member's  
26 beneficiary, or relative if there is no designated beneficiary,  
~~shall-be~~ is entitled to benefits on the same basis as provided  
for beneficiaries of state employees who are members of the Maine  
28 State Retirement System by Title 5, chapter 423, subchapter V,  
article 4.

30           If a member dies on or after December 1, 1993, the member's  
32 beneficiary, or relative if there is no designated beneficiary,  
is entitled to benefits on the same basis as provided for  
34 beneficiaries of state employees who are members of the Maine  
State Retirement System by Title 5, section 17953, subsection 1.

36           **Sec. 7. 3 MRSA §856**, as amended by PL 1989, c. 133, §11, is  
38 further amended to read:

40           **§856. Accidental death benefits**

42           If a member dies prior to December 1, 1993 or a former  
44 member who is receiving a disability retirement allowance as of  
December 1, 1993 dies as at any time and the death is a result of  
46 an injury received in the line of duty, benefits ~~shall~~ must be  
paid on the same basis as provided for members of the Maine State  
48 Retirement System by Title 5, chapter 423, subchapter V, article  
5.

2 If a member dies on or after December 1, 1993 and the death  
3 is a result of an injury received in the line of duty, benefits  
4 must be paid on the same basis as provided for beneficiaries of  
5 state employees who are members of the Maine State Retirement  
6 System by Title 5, section 17953, subsection 1.

7 Sec. 8. 3 MRSA §858, as amended by PL 1989, c. 133, §13, is  
8 further amended to read:

9 **§858. Cost-of-living and other adjustments**

10 Retirement allowances under this chapter shall may not be  
11 adjusted on the same basis as provided for members of the Maine  
12 State Retirement System by Title 5, section 17806 increased or  
13 decreased due to cost-of-living adjustments after November 30,  
14 1993.

15 Sec. 9. 3 MRSA §859, as enacted by PL 1989, c. 133, §14, is  
16 amended to read:

17 **§859. Remarriage after retirement**

18 If a retiree who is the recipient of a reduced service  
19 retirement allowance as of December 1, 1993 under section 857  
20 remarries after the retiree's spouse dies, the retiree may elect  
21 to have the reduced retirement benefit paid under the same option  
22 to the new spouse after the retiree's death instead of continuing  
23 the original reduced retirement allowance to the retiree during  
24 the retiree's lifetime, under the same basis as provided for  
25 members of the Maine State Retirement System by Title 5, section  
26 17805.

27 Sec. 10. 5 MRSA §285, sub-§7, as amended by PL 1989, c. 776,  
28 §1, is further amended to read:

29 **7. Payment by State.** Except as otherwise provided in this  
30 subsection, the State, through the commission, shall pay 100% of  
31 only the employee's share of this health plan, except for  
32 Legislators, for whom the State shall may not pay 50% any portion  
33 of the health plan premium for dependent-coverage either the  
34 Legislators or their dependents. For any person appointed to a  
35 position after November 1, 1981, who is employed less than full  
36 time, the State shall pay a share of the employee's share reduced  
37 pro rata to reflect the reduced number of work hours.

38 Sec. 11. 5 MRSA §285, sub-§8, as corrected by RR 1991, c. 2,  
39 §7, is amended to read:

40 **8. Payment by Maine State Retirement System for persons**  
41 **first employed before July 1, 1991.** For persons who were first  
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2 employed before July 1, 1991, the Maine State Retirement System  
3 shall pay 100% of only the retiree's share of the premiums for  
4 this health plan for persons who were previously eligible for  
5 this health plan pursuant to subsection 1, paragraph A and who  
6 have subsequently become eligible pursuant to subsection 1,  
7 paragraph G. The Maine State Retirement System may not pay any  
8 portion of a retired Legislator's share of the premium for this  
9 health plan unless that Legislator retires and is eligible for  
10 this health plan under subsection 1-A prior to December 1, 1993.

11 **Sec. 12. 5 MRSA §285, sub-§8-A,** as enacted by PL 1991, c. 527,  
12 §2, is amended to read:

13 **8-A. Payment by Maine State Retirement System for persons**  
14 **employed after July 1, 1991.** For persons who were first employed  
15 by the State after July 1, 1991, the Maine State Retirement  
16 System shall pay a pro rata portion of only the retiree's share  
17 of the premiums, as described in this section, for this health  
18 plan for persons who were previously eligible for this health  
19 plan pursuant to subsection 1, paragraph A and who have  
20 subsequently become eligible pursuant to subsection 1, paragraph  
21 G based on the total number of years of participation in the  
22 group health plan prior to retirement as follows.

Years of Participation	State Portion
10 or more years	100% group health plan premium
9 but less than 10 years	90% group health plan premium
8 but less than 9 years	80% group health plan premium
7 but less than 8 years	70% group health plan premium
6 but less than 7 years	60% group health plan premium
5 but less than 6 years	50% group health plan premium
Less than 5 years	No contribution

33 Participation in this health plan by a Legislator after November  
34 30, 1993 may not be counted for the purposes of this subsection.

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40 **STATEMENT OF FACT**

41 This bill prohibits the State from contributing to benefits  
42 for Legislators on or after December 1, 1993. Legislators may  
43 still participate in the Maine State Retirement System health  
44 plan by paying the full premium. This bill requires the State to  
45 pay a portion of the premium for an otherwise eligible retiree  
46 from the Legislature as long as that Legislator retires before  
47 December 1, 1993 or is eligible for the payment due to other  
48 state service.

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2 This bill retains all of the provisions of the Maine  
Legislative Retirement System except that creditable service may  
4 not be earned for service after November 30, 1993. This allows  
current and future legislative retirees to receive a retirement  
6 allowance based on any creditable service up to December 1,  
1993. Death benefits after November 30, 1993 are limited to the  
8 Legislator's accumulated contributions. Death benefits are  
unchanged for a former Legislator receiving a disability  
10 retirement allowance as of December 1, 1993. A cost-of-living  
adjustment may not be made to any legislative retirement  
allowance after November 30, 1993.  
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