

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 553

S.P. 211

In Senate, February 14, 1995

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**An Act to Eliminate Benefits Offered to Legislators.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.  
Cosponsored by Representatives: BUCK of Yarmouth, JOY of Crystal, NICKERSON of  
Turner.

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

2           **Sec. 1. 3 MRSA §755, sub-§1**, as enacted by PL 1985, c. 507,  
4 §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, 1996.

14           **Sec. 2. 3 MRSA §801, sub-§1**, as amended by PL 1989, c. 133,  
16 §7, is further amended to read:

18           **1. Membership mandatory.** Every Legislator serving in the  
Legislature on or after December 3, 1986, ~~shall be~~ and before  
20 December 1, 1996 is a member of the Maine Legislative Retirement  
System, except that any Legislator who is a member of the Maine  
22 State Retirement System on December 2, 1986, may continue to be a  
member of that system instead of becoming a member of the Maine  
24 Legislative Retirement System, and any Legislator who is a public  
school teacher or an employee of the ~~Vocational-Technical~~  
26 ~~Institute~~ Maine Technical College System on leave of absence  
shall ~~continue~~ continues to be a member of the Maine State  
28 Retirement System and have contributions deducted from the  
member's legislative salary as provided by Title 5, section  
30 17701. A Legislator who is the recipient of a retirement  
allowance from the Maine State Retirement System ~~shall become~~  
32 becomes a member of the Maine Legislative Retirement System, but  
no creditable service granted under the Maine State Retirement  
34 System ~~shall~~ may not be transferred to the Maine Legislative  
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,  
40 §1, is amended to read:

42           **1. Legislative service after December 2, 1986 and before**  
**December 1, 1996.** All legislative service of a member after  
44 December 2, 1986, and before December 1, 1996 for which  
contributions are made, ~~shall be~~ is allowed as creditable service.

46           **Sec. 4. 3 MRSA §804**, as amended by PL 1993, c. 410, Pt. L,  
48 §3, is further amended to read:

50           **§804. Members' contributions**

2 On and after July 1, 1993, each member shall contribute at a  
rate of 7.65% of earnable compensation until December 1, 1996.

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

6  
8 **§853. Disability retirement**

10 Any member who becomes disabled before December 1, 1996  
while in service may receive a disability retirement allowance on  
12 the same basis as provided for members of the Maine State  
Retirement System by Title 5, chapter 423, subchapter V, article  
3.

14  
16 **Sec. 6. 3 MRSA §855**, as amended by PL 1989, c. 133, §10, is  
further amended to read:

18 **§855. Ordinary death benefits**

20 If a member who is in service dies prior to December 1, 1996  
or a former member who is a recipient of a disability retirement  
22 allowance as of December 1, 1996 dies at any time, the member's  
beneficiary, or relative if there is no designated beneficiary,  
24 shall-be is entitled to benefits on the same basis as provided  
for beneficiaries of state employees who are members of the Maine  
26 State Retirement System by Title 5, chapter 423, subchapter V,  
article 4.

28  
30 If a member dies on or after December 1, 1996, the member's  
beneficiary, or relative if there is no designated beneficiary,  
is entitled to benefits on the same basis as provided for  
32 beneficiaries of state employees who are members of the Maine  
State Retirement System by Title 5, section 17953, subsection 1.

34  
36 **Sec. 7. 3 MRSA §856**, as amended by PL 1989, c. 133, §11, is  
further amended to read:

38 **§856. Accidental death benefits**

40 If a member dies prior to December 1, 1996 or a former  
member who is receiving a disability retirement allowance as of  
42 December 1, 1996 dies as at any time and the death is a result of  
an injury received in the line of duty, benefits shall must be  
44 paid on the same basis as provided for members of the Maine State  
Retirement System by Title 5, chapter 423, subchapter V, article  
46 5.

48 If a member dies on or after December 1, 1996 and the death  
is a result of an injury received in the line of duty, benefits  
50 must be paid on the same basis as provided for beneficiaries of

2 state employees who are members of the Maine State Retirement  
3 System by Title 5, section 17953, subsection 1.

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

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

7  
8 Retirement allowances under this chapter shall may not be  
9 adjusted on the same basis as provided for members of the Maine  
10 State Retirement System by Title 5, section 17806 increased or  
11 decreased due to cost-of-living adjustments after November 30,  
12 1996.

13  
14 **Sec. 9. 3 MRSA §859**, as enacted by PL 1989, c. 133, §14, is  
15 amended to read:

16 **§859. Remarriage after retirement**

17  
18 If a retiree who is the recipient of a reduced service  
19 retirement allowance as of December 1, 1996 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

28  
29 **Sec. 10. 5 MRSA §285, sub-§7**, as amended by PL 1989, c. 776,  
30 §1, is further amended to read:

31  
32 **7. Payment by State.** Except as otherwise provided in this  
33 subsection, the State, through the commission, shall pay 100% of  
34 only the employee's share of this health plan, except for  
35 Legislators, for whom the State shall may not pay 50% any portion  
36 of the health plan premium for dependent--coverage either the  
37 Legislators or their dependents. For any person appointed to a  
38 position after November 1, 1981, who is employed less than full  
39 time, the State shall pay a share of the employee's share reduced  
40 pro rata to reflect the reduced number of work hours.  
41

42  
43 **Sec. 11. 5 MRSA §285, sub-§8**, as corrected by RR 1991, c. 2,  
44 §7, is amended to read:

45  
46 **8. Payment by Maine State Retirement System for persons**  
47 **first employed before July 1, 1991.** For persons who were first  
48 employed before July 1, 1991, the Maine State Retirement System  
49 shall pay 100% of only the retiree's share of the premiums for  
50 this health plan for persons who were previously eligible for

2 this health plan pursuant to subsection 1, paragraph A and who  
3 have subsequently become eligible pursuant to subsection 1,  
4 paragraph G. The Maine State Retirement System may not pay any  
5 portion of a retired Legislator's share of the premium for this  
6 health plan unless that Legislator retires and is eligible for  
7 this health plan under subsection 1-A prior to December 1, 1996.

8 **Sec. 12. 5 MRSA §285, sub-§8-A**, as enacted by PL 1991, c. 527,  
9 §2, is amended to read:

10 **8-A. Payment by Maine State Retirement System for persons**  
11 **employed after July 1, 1991.** For persons who were first employed  
12 by the State after July 1, 1991, the Maine State Retirement  
13 System shall pay a pro rata portion of only the retiree's share  
14 of the premiums, as described in this section, for this health  
15 plan for persons who were previously eligible for this health  
16 plan pursuant to subsection 1, paragraph A and who have  
17 subsequently become eligible pursuant to subsection 1, paragraph  
18 G based on the total number of years of participation in the  
19 group health plan prior to retirement as follows.

22 Years of Participation	State Portion
23 10 or more years	100% group health plan premium
24 9 but less than 10 years	90% group health plan premium
25 8 but less than 9 years	80% group health plan premium
26 7 but less than 8 years	70% group health plan premium
27 6 but less than 7 years	60% group health plan premium
28 5 but less than 6 years	50% group health plan premium
29 Less than 5 years	No contribution

30 Participation in this health plan by a Legislator after November  
31 30, 1996 may not be counted for the purposes of this subsection.

## 36 STATEMENT OF FACT

37 This bill prohibits the State from contributing to benefits  
38 for Legislators on or after December 1, 1996. Legislators may  
39 still participate in the Maine State Retirement System health  
40 plan by paying the full premium. This bill requires the State to  
41 pay a portion of the premium for an otherwise eligible retiree  
42 from the Legislature as long as that Legislator retires before  
43 December 1, 1996 or is eligible for the payment due to other  
44 state service.

45 This bill retains all of the provisions of the Maine  
46 Legislative Retirement System except that creditable service may  
47 not be earned for service after November 30, 1996. This allows  
48 current and future legislative retirees to receive a retirement  
49

2 allowance based on any creditable service up to December 1,  
3 1996. Death benefits after November 30, 1996 are limited to the  
4 Legislator's accumulated contributions. Death benefits are  
5 unchanged for a former Legislator receiving a disability  
6 retirement allowance as of December 1, 1996. A cost-of-living  
7 adjustment may not be made to any legislative retirement  
8 allowance after November 30, 1996.