

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1269

S.P. 473

In Senate, April 11, 1995

An Act Relating to the Retirement Benefits for the Maine Warden Service.

Reference to the Committee on Labor 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 HALL of Piscataquis.
Cosponsored by Senators: BENOIT of Franklin, KIEFFER of Aroostook, Representatives:
BAILEY of Township 27, CHICK of Lebanon, CLUKEY of Houlton, GREENLAW of
Standish, JACQUES of Waterville, ROTONDI of Madison, TUFTS of Stockton Springs.

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

2 **Sec. 1. 5 MRSA §17709**, as amended by PL 1987, c. 739, §§21
4 and 48, is repealed and the following enacted in its place:

6 **§17709. Inland Fisheries and Wildlife officers**

8 **1. Before September 1, 1984.** A law enforcement officer in
10 the Department of Inland Fisheries and Wildlife who was first
12 employed in that capacity before September 1, 1984 shall
contribute to the retirement system or have pick-up contributions
made by the employer as follows:

14 A. At a rate of 7.5% of earnable compensation until the
16 officer has completed 20 years of creditable service, as
required under section 17851, subsection 5, paragraph A; and

18 B. After completing the service described in paragraph A,
20 at a rate of 6.5% of earnable compensation for the remainder
of the officer's employment in that capacity.

22 **2. After August 31, 1984.** A law enforcement officer in the
24 Department of Inland Fisheries and Wildlife who was first
26 employed in that capacity after August 31, 1984 shall contribute
to the retirement system or have pick-up contributions made by
the employer as follows:

28 A. At a rate of 7.5% of earnable compensation until the
30 officer has completed 25 years of creditable service, as
required under section 17851, subsection 5, paragraph B; and

32 B. After completing the service described in paragraph A,
34 at a rate of 6.5% of earnable compensation for the remainder
of the officer's employment in that capacity.

36 **Sec. 2. 5 MRSA §17851, sub-§5**, as enacted by PL 1985, c. 801,
38 §§5 and 7, is repealed and the following enacted in its place:

40 **5. Inland Fisheries and Wildlife officers.** A law
42 enforcement officer in the Department of Inland Fisheries and
Wildlife qualifies for a service retirement benefit if that
officer:

44 A. Became employed in that capacity before September 1,
46 1984 and retires after completing 20 years of creditable
service in that capacity, which may include creditable
48 service under section 17760, subsection 1, but may not
include creditable service under section 17760, subsection
2; and

2 B. Became employed in that capacity after August 31, 1984
4 and retires upon reaching 55 years of age after completing
 25 years of creditable service in that capacity.

6 **Sec. 3. 5 MRSA §17852, sub-§5**, as amended by PL 1993, c. 387,
8 Pt. A, §12, is repealed and the following enacted in its place:

10 **5. Inland Fisheries and Wildlife officers.** The amount of
12 service retirement benefit for persons qualified under section
14 17851, subsection 5 must be computed as follows.

16 A. For a person qualifying under section 17851, subsection
18 5, paragraph A:

20 (1) The total amount of the service retirement benefit
22 is:

24 (a) Except as provided in division (b), 1/2 of
26 the average final compensation and an additional
28 2% of the average final compensation for each year
30 of membership service not included in determining
32 qualifications under section 17851, subsection 5,
34 paragraph A; or

36 (b) If the benefit would be greater, the part of
38 the service retirement benefit based upon
40 membership service before July 1, 1976 must be
42 determined, on a pro rata basis, on current annual
44 salary on the date of retirement and the part of
46 the service retirement benefit based upon
48 membership service after June 30, 1976 must be
 determined in accordance with division (a).

(2) Upon the death of a law enforcement officer of the
 Department of Inland Fisheries and Wildlife who is
 receiving a retirement benefit after qualifying under
 section 17851, subsection 5, paragraph A, without
 optional modification, or is retired under article 3 or
 article 3-A, the surviving spouse is entitled to a
 retirement benefit that is 1/2 of the amount being paid
 at the time of the officer's death. The payment must
 continue for the remainder of the surviving spouse's
 lifetime.

For the purpose of this subparagraph, "surviving
 spouse" means the person the retired officer was
 married to at the time of retirement. If the retired
 officer was not married at the time of retirement or

2 subsequent to retirement was divorced or widowed,
3 "surviving spouse" means the person legally married to
4 the officer at the time of the officer's death.

5 B. For persons qualifying under section 17851, subsection
6 5, paragraph B, and who retire upon or after reaching 55
7 years of age, the retirement benefit is computed in
8 accordance with subsection 1.

9 C. For persons qualifying under section 17851, subsection
10 5, paragraph B, and who retire before reaching 55 years of
11 age, the retirement benefit is determined in accordance with
12 subsection 1, except that:

13 (1) The amount arrived at under subsection 1 is
14 reduced by applying to that amount the percentage that
15 a life annuity due at 55 years of age bears to the life
16 annuity due at the age of retirement; and

17 (2) For the purpose of making the computation under
18 subparagraph (1), the board-approved tables of
19 annuities in effect at the date of the member's
20 retirement is used.

21 This paragraph applies to members who, on July 1, 1993, have
22 10 years of creditable service. For the purpose of
23 calculating creditable service under this subsection only,
24 creditable service includes time during which a member
25 participated in the voluntary cost-savings programs or the
26 special voluntary employee incentive programs, authorized by
27 Public Law 1989, chapter 702, Part F, section 6 and Public
28 Law 1991, chapter 591, Part BB and chapter 780, Part VV, or
29 10 years of combined creditable service under this Part and
30 Title 3, chapter 29, or creditable service available to a
31 member that the member was eligible to purchase on June 30,
32 1993 and that the member does purchase in accordance with
33 rules adopted by the board.

34 D. For persons qualifying under section 17851, subsection
35 5, paragraph B, and who retire before reaching 55 years of
36 age, the retirement benefit is determined in accordance with
37 subsection 1, except that the benefit is reduced by 6% for
38 each year that the member's age precedes 55 years of age.

39 This paragraph applies to members who, on July 1, 1993, do
40 not have 10 years of creditable service.

41 E. Notwithstanding paragraph D, a person qualifying under
42 section 17851, subsection 5, paragraph B may elect to retire
43 before reaching 55 years of age without reduction for
44 the amount of the benefit.

2 retirement before that age if, prior to the effective date
of the person's retirement, the person has paid to the
4 retirement system by an increased employee contribution, by
single or periodic payment of a lump sum or by a combination
6 thereof, the amount that equals to full actuarial cost of
that person's preage 55 retirement, plus any applicable
8 interest. "Full actuarial cost" means that the person's
payment or payments must fully offset any unfunded liability
that would or does result from retirement prior to reaching
10 55 years of age and must fully fund the cost of the person's
retirement prior to reaching 55 years of age so that an
12 additional employer contribution is not required. If the
person makes the election provided by this paragraph at any
14 time after the date on which the person is first employed as
a law enforcement officer in the Department of Inland
16 Fisheries and Wildlife, the payment must include interest at
a rate to be set by the board not to exceed regular interest
18 by 5 or more percentage points, applied as of the date upon
which the person was first employed in that capacity to the
20 contributions that the person would have paid or had picked
up by the employer had the person elected this option at the
22 date of first employment.

24 This paragraph takes effect July 1, 1996. Election to
retire under this paragraph is a one-time irrevocable
26 election. A person first hired as a law enforcement officer
in the Department of Inland Fisheries and Wildlife after
28 July 1, 1996 must make the election no later than 30 days
after the date of first employment. A person already
30 employed as a law enforcement officer in the Department of
Inland Fisheries and Wildlife on July 1, 1996 must make the
32 election no later than 90 days after July 1, 1996.

34 STATEMENT OF FACT

36
38 This bill permits law enforcement officers in the Department
of Inland Fisheries and Wildlife to retire with full benefits at
40 55 years of age if they have worked in that capacity for 25
years. The bill applies to game wardens hired after August 31,
1984. Wardens hired before that date are covered by a special
42 plan that permits retirement after 20 years of service; those
wardens are not affected by this bill.