

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1383

S.P. 437

In Senate, March 5, 1997

**An Act to Provide Part-time State and Participating Local District
Employees with the Option of Joining the Maine State Retirement System.**

Reference to the Committee on Labor 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 FERGUSON of Oxford.
Cosponsored by Representative McELROY of Unity.

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

4 **Sec. 1. 5 MRSA §17651**, as enacted by PL 1985, c. 801, §§5 and
7, is amended to read:

6 **§17651. Mandatory membership**

8 All employees whose normal workweek is more than 20 hours
10 per week shall become members of the retirement system as a
condition of their employment.

12 **Sec. 2. 5 MRSA §17652, sub-§3** is enacted to read:

14 **3. Part-time employees.** Membership in the retirement
16 system is optional for employees whose normal workweek is 20 or
18 less hours per week. A person who elects, under this subsection,
20 not to join the retirement system at the beginning of employment
22 may at any time apply for and be admitted to membership under the
24 following conditions.

26 A. A person who joins the retirement system under this
28 subsection may not pay contributions or have pick-up
30 contributions made on or receive any service credit for the
32 period during which that person elected not to be a member
34 of the system.

36 B. Membership service credit for a person joining the
38 retirement system under this subsection begins as of the
40 effective date of the first contribution or pick-up
42 contribution to the system.

44 This subsection applies to any person who begins membership after
46 December 31, 1997.

48 **Sec. 3. 5 MRSA §18251, sub-§1**, as amended by PL 1991, c. 619,
50 §12 and affected by §18, is further amended to read:

52 **1. Compulsory membership.** Membership is compulsory for all
54 employees entering the service of a participating local district
56 after the date of establishment for the participating local
district whose normal workweek is more than 20 hours per week,
except as otherwise provided by subsection 2; section 18201,
subsection 3; section 18252; or section 18256.

58 **Sec. 4. 5 MRSA §18251, sub-§1**, as enacted by PL 1985, c. 801,
60 §§5 and 7, is amended to read:

62 **1. Compulsory membership.** Membership is compulsory for all
64 employees entering the service of a participating local district
66 after the date of establishment for the participating local

2 district whose normal workweek is more than 20 hours per week,
but not for employees exempted under subsection 2; under section
4 18201, subsection 3; or under section 18252.

6 **Sec. 5. 5 MRSA §18251, sub-§2, ¶C-1** is enacted to read:

8 C-1. Membership is optional for an employee of a
participating local district whose normal workweek is 20
hours or less.

10 **Sec. 6. 5 MRSA §18251, sub-§2, ¶D**, as amended by PL 1987, c.
12 739, §§28 and 48, is further amended to read:

14 D. A person who elects not to join the retirement system
under paragraph B ~~or~~ C or C-1 at the beginning of
16 employment may at any time apply for and be admitted to
membership.

18 (1) A person who joins the retirement system under
20 this subsection may not pay contributions or have
pick-up contributions made on or receive any service
22 credit for the period during which the person elected
not to be a member of the retirement system.

24 (2) Membership service credit for persons joining the
26 retirement system under this subsection shall--begin
begins as of the effective date of first contributions
or pick-up contributions to the retirement system.

30 ~~(3) This paragraph applies to any member who begins
membership after December 31, 1985.~~

32 For employees who elect not to join the retirement system
34 under paragraphs B and C, this paragraph applies to any
member who begins membership after December 31, 1985 and for
36 employees who elect not to join the retirement system under
paragraph C-1, this paragraph applies to any member who
38 begins membership after December 31, 1997.

40 **SUMMARY**

42 This bill makes membership in the Maine State Retirement
44 System optional for state employees and participating local
district employees who normally work 20 or fewer hours a week.