

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2430

H.P. 1724

House of Representatives, January 10, 2000

An Act to Provide Pension Equity for Mental Health Workers.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: BRYANT of Dixfield, COTE of Lewiston, O'NEAL of Limestone, POVICH
of Ellsworth, RINES of Wiscasset, SAMSON of Jay, SAXL of Bangor, TRACY of Rome.

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

2
4 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶¶J and K,** as enacted by PL 1999, c. 493, §6, are amended to read:

6 J. Law enforcement officers in the employment of the Baxter
8 State Park Authority on January 1, 2000 or hired thereafter;
 and

10 K. The State Fire Marshal or a state fire marshal
12 investigator or state fire marshal inspector in the
14 employment of the Department of Public Safety on January 1,
 2000 or hired thereafter; and

16 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶L** is enacted to read:

18 L. Mental health workers in the employment of the
20 Department of Mental Health, Mental Retardation and
 Substance Abuse Services on August 1, 2000 or hired
 thereafter.

22 **Sec. 3. 5 MRSA §17851-A, sub-§2,** as amended by PL 1999, c.
24 493, §7, is further amended to read:

26 **2. Qualification for benefits.** A member employed in any
28 one or a combination of the capacities specified in subsection 1
30 after June 30, 1998 for employees identified in subsection 1,
 paragraphs A to H and, after December 31, 1999 for employees
 identified in subsection 1, paragraphs I to K, and after July 31,
 2000 for employees identified in subsection 1, paragraph L
 qualifies for a service retirement benefit if that member either:

32 A. Is at least 55 years of age and has completed at least
34 10 years of creditable service under the 1998 Special Plan
 in any one or a combination of the capacities; or

36 B. Has completed at least 25 years of creditable service in
38 any one or a combination of the capacities specified in
40 subsection 1, whether or not the creditable service included
 in determining that the 25-year requirement has been met was
42 earned under the 1998 Special Plan or prior to its
 establishment.

44 **Sec. 4. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c.
46 489, §14 and c. 493, §9, is repealed and the following enacted in
 its place:

48 4. Computation of benefits. The amount of the service
50 retirement benefit for members qualified under subsection 2 must
 be computed as follows.

2 A. If all of the member's creditable service in any one or
4 a combination of the capacities specified in subsection 1
6 was earned after June 30, 1998 for employees identified in
8 subsection 1, paragraphs A to H, after December 31, 1999 for
10 employees identified in subsection 1, paragraphs I to K and
12 after July 31, 2000 for employees identified in subsection
14 1, paragraph L or if service credit was purchased by
16 repayment of an earlier refund of accumulated contributions
18 for service after June 30, 1998 for employees identified in
20 subsection 1, paragraphs A to H, after December 31, 1999 for
22 employees identified in subsection 1, paragraphs I to K and
24 after July 31, 2000 for employees identified in subsection
26 1, paragraph L, in any one or a combination of the
28 capacities specified in subsection 1, or if service credit
30 was purchased by other than the repayment of an earlier
32 refund and eligibility to make the purchase of the service
34 credit, including but not limited to service credit for
36 military service, was achieved after June 30, 1998 for
38 employees identified in subsection 1, paragraphs A to H,
40 after December 31, 1999 for employees identified in
42 subsection 1, paragraphs I to K and after July 31, 2000 for
44 employees identified in subsection 1, paragraph L, the
46 benefit must be computed as provided in section 17852,
48 subsection 1, paragraph A.

26 (1) If the member had 10 years of creditable service
28 on July 1, 1993, the benefit under subsection 2,
30 paragraph B must be reduced as provided in section
32 17852, subsection 3, paragraphs A and B.

32 (2) If the member had fewer than 10 years of
34 creditable service on July 1, 1993, the benefit under
36 subsection 2, paragraph B must be reduced by 6% for
38 each year that the member's age precedes 55 years of
40 age.

38 B. Except as provided in paragraphs C and D, if some part
40 of the member's creditable service in any one or a
42 combination of the capacities specified in subsection 1 was
44 earned before July 1, 1998 for employees identified in
46 subsection 1, paragraphs A to H, before January 1, 2000 for
48 employees identified in subsection 1, paragraphs I to K and
50 before August 1, 2000 for employees identified in subsection
1, paragraph L and some part of the member's creditable
service in any one or a combination of the capacities
specified in subsection 1 was earned after June 30, 1998 for
employees identified in subsection 1, paragraphs A to H,
after December 31, 1999 for employees identified in
subsection 1, paragraphs I to K and after July 31, 2000 for

2 employees identified in subsection 1, paragraph L then the
3 member's service retirement benefit must be computed in
4 segments and the amount of the member's service retirement
5 benefit is the sum of the segments. The segments must be
6 computed as follows:

7
8 (1) The segment or, if the member served in more than
9 one of the capacities specified in subsection 1 and the
10 benefits related to the capacities are not
11 interchangeable under section 17856, segments that
12 reflect creditable service earned before July 1, 1998
13 for employees identified in subsection 1, paragraphs A
14 to H, before January 1, 2000 for employees identified
15 in subsection 1, paragraphs I to K and before August 1,
16 2000 for employees identified in subsection 1,
17 paragraph L or purchased by repayment of an earlier
18 refund of accumulated contributions for service before
19 July 1, 1998, for employees identified in subsection 1,
20 paragraphs A to H, before January 1, 2000 for employees
21 identified in subsection 1, paragraphs I to K and
22 before August 1, 2000 for employees identified in
23 subsection 1, paragraph L in a capacity or capacities
24 specified in subsection 1, or purchased by other than
25 the repayment of a refund and eligibility to make the
26 purchase of the service credit, including, but not
27 limited to, service credit for military service, was
28 achieved before July 1, 1998 for employees identified
29 in subsection 1, paragraphs A to H, before January 1,
30 2000 for employees identified in subsection 1,
31 paragraphs I to K and before August 1, 2000 for
32 employees identified in subsection 1, paragraph L must
33 be computed under section 17852, subsection 1,
34 paragraph A. If the member is qualified under
35 subsection 2, paragraph B and:

36 (a) Had 10 years of creditable service on July 1,
37 1993, the amount of the segment or segments must
38 be reduced as provided in section 17852,
39 subsection 3, paragraphs A and B; or

40
41 (b) Had fewer than 10 years of creditable service
42 on July 1, 1993, the amount of the segment or
43 segments must be reduced as provided in section
44 17852, subsection 3-A; and

45
46 (2) The segment that reflects creditable service
47 earned after June 30, 1998 for employees identified in
48 subsection 1, paragraphs A to H, after December 31,
49 1999 for employees identified in subsection 1,
50 paragraphs I to K and after July 31, 2000 for employees

2 identified in subsection 1, paragraph L or purchased by
4 repayment of an earlier refund of accumulated
6 contributions for service after June 30, 1998 for
8 employees identified in subsection 1, paragraphs A to
10 H, after December 31, 1999 for employees identified in
12 subsection 1, paragraphs I to K and after July 31, 2000
14 for employees identified in subsection 1, paragraph L
16 in any one or a combination of the capacities specified
18 in subsection 1, or purchased by other than the
20 repayment of a refund and eligibility to make the
purchase of the service credit, including, but not
limited to, service credit for military service, was
achieved after June 30, 1998 for employees identified
in subsection 1, paragraphs A to H, after December 31,
1999 for employees identified in subsection 1,
paragraphs I to K and after July 31, 2000 for employees
identified in subsection 1, paragraph L must be
computed under section 17852, subsection 1, paragraph
A. If the member is qualified under subsection 2,
paragraph B and:

22 (a) Had 10 years of creditable service on July 1,
24 1993, the segment amount must be reduced in the
26 manner provided in section 17852, subsection 3,
paragraphs A and B for each year that the member's
age precedes 55 years of age; or

28 (b) Had fewer than 10 years of creditable service
30 on July 1, 1993, the segment amount must be
32 reduced by 6% for each year that the member's age
precedes 55 years of age.

34 C. The service retirement benefit of a member who is a
36 state police officer to whom subsection 1, paragraph D
38 applies and who qualifies for service retirement benefits
40 under subsection 2, paragraph B must be computed under
42 section 17852, subsection 1, paragraph A on the basis of all
of the member's creditable service in the capacity specified
in subsection 1, paragraph D regardless of whether the
creditable service was earned before, on or after July 1,
1998, except that:

44 (1) If the member had 10 years of creditable service
46 on July 1, 1993, the benefit must be reduced as
provided in section 17852, subsection 4, paragraph C,
subparagraphs (1) and (2); or

48 (2) If the member had fewer than 10 years of
creditable service on July 1, 1993, the benefit must be

2 reduced as provided in section 17852, subsection 4,
3 paragraph C-1.

4 D. The service retirement benefit of a member who is a
5 Maine State Prison employee to whom subsection 1, paragraph
6 E applies, and who qualifies for service retirement benefits
7 under subsection 2, paragraph B, must be computed under
8 section 17852, subsection 1, paragraph A on the basis of all
9 of the member's creditable service in the capacity specified
10 in subsection 1, paragraph E regardless of whether the
11 creditable service was earned before, on or after July 1,
12 1998, except that:

13 (1) If the member had 10 years of service on July 1,
14 1993, the benefit must be reduced as provided in
15 section 17852, subsection 10, paragraph C,
16 subparagraphs (1) and (2); or

17 (2) If the member had fewer than 10 years of
18 creditable service on July 1, 1993, the benefit must be
19 reduced as provided in section 17852, subsection 10,
20 paragraph C-1.

21 **Sec. 5. 5 MRSA §17851-A, sub-§5,** as amended by PL 1999, c.
22 493, §9, is further amended to read:

23 **5. Contributions.** Notwithstanding any other provision of
24 subchapter III, after June 30, 1998, for employees identified in
25 subsection 1, paragraphs A to H, and after December 31, 1999, for
26 employees identified in subsection 1, paragraphs I to K and after
27 July 31, 2000 for employees identified in subsection 1, paragraph
28 L, a member in the capacities specified in subsection 1 must
29 contribute to the retirement system or have pick-up contributions
30 made at the rate of 8.65% of earnable compensation until the
31 member has completed 25 years of creditable service as provided
32 in this section and at the rate of 7.65% thereafter.

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39 **SUMMARY**

40 This bill provides that a mental health worker in the
41 Department of Mental Health, Mental Retardation and Substance
42 Abuse Services qualifies for a service retirement benefit if that
43 worker is at least 55 years of age and has completed at least 10
44 years of creditable service under the 1998 Special Plan of the
45 Maine State Retirement System or has completed at least 25 years
46 of creditable service.