

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2431

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H.P. 1725

House of Representatives, January 10, 2000

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**An Act to Change the Retirement Eligibility Requirements for Certain  
Employees of the Department of Environmental Protection.**

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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 cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: BRYANT of Dixfield, COTE of Lewiston, MARTIN of Eagle Lake,  
MATTHEWS of Winslow, SAMSON of Jay, Senators: DOUGLASS of Androscoggin,  
TREAT of Kennebec.

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

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

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

10       K. The State Fire Marshal or a state fire marshal  
11 investigator or state fire marshal inspector in the  
12 employment of the Department of Public Safety on January 1,  
13 2000 or hired thereafter; and

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

16       L. Oil and hazardous waste materials workers in the  
17 employment of the Department of Environmental Protection on  
18 August 1, 2000 or hired thereafter.

20       **Sec. 3. 5 MRSA §17851-A, sub-§2,** as amended by PL 1999, c.  
21 493, §7, is further amended to read:

24       **2. Qualification for benefits.** A member employed in any  
25 one or a combination of the capacities specified in subsection 1  
26 after June 30, 1998 for employees identified in subsection 1,  
27 paragraphs A to H and and after December 31, 1999 for employees  
28 identified in subsection 1, paragraphs I to K and after July 31,  
29 2000 for employees identified in subsection 1, paragraph L  
30 qualifies for a service retirement benefit if that member either:

32       A. Is at least 55 years of age and has completed at least  
33 10 years of creditable service under the 1998 Special Plan  
34 in any one or a combination of the capacities; or

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

42       **Sec. 4. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c.  
43 489, §14 and c. 493, §9, is repealed and the following enacted in  
44 its place:

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

50

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  
1, paragraph L, in any one or a combination of the  
capacities specified in subsection 1, or if service credit  
was purchased by other than the repayment of an earlier  
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, the  
benefit must be computed as provided in section 17852,  
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  
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  
each year that the member's age precedes 55 years of  
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  
employees identified in subsection 1, paragraph L then the

2 member's service retirement benefit must be computed in  
3 segments and the amount of the member's service retirement  
4 benefit is the sum of the segments. The segments must be  
5 computed as follows:

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

34  
35 (a) Had 10 years of creditable service on July 1,  
36 1993, the amount of the segment or segments must  
37 be reduced as provided in section 17852,  
38 subsection 3, paragraphs A and B; or

39  
40 (b) Had fewer than 10 years of creditable service  
41 on July 1, 1993, the amount of the segment or  
42 segments must be reduced as provided in section  
43 17852, subsection 3-A; and

44  
45 (2) The segment that reflects creditable service  
46 earned after June 30, 1998 for employees identified in  
47 subsection 1, paragraphs A to H, after December 31,  
48 1999 for employees identified in subsection 1,  
49 paragraphs I to K and after July 31, 2000 for employees  
50 identified in subsection 1, paragraph L or purchased by

2 repayment of an earlier refund of accumulated  
3 contributions for service after June 30, 1998 for  
4 employees identified in subsection 1, paragraphs A to  
5 H, after December 31, 1999 for employees identified in  
6 subsection 1, paragraphs I to K and after July 31, 2000  
7 for employees identified in subsection 1, paragraph L  
8 in any one or a combination of the capacities specified  
9 in subsection 1, or purchased by other than the  
10 repayment of a refund and eligibility to make the  
11 purchase of the service credit, including, but not  
12 limited to, service credit for military service, was  
13 achieved after June 30, 1998 for employees identified  
14 in subsection 1, paragraphs A to H, after December 31,  
15 1999 for employees identified in subsection 1,  
16 paragraphs I to K and after July 31, 2000 for employees  
17 identified in subsection 1, paragraph L must be  
18 computed under section 17852, subsection 1, paragraph  
19 A. If the member is qualified under subsection 2,  
20 paragraph B and:

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

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

30  
31 C. The service retirement benefit of a member who is a  
32 state police officer to whom subsection 1, paragraph D  
33 applies and who qualifies for service retirement benefits  
34 under subsection 2, paragraph B must be computed under  
35 section 17852, subsection 1, paragraph A on the basis of all  
36 of the member's creditable service in the capacity specified  
37 in subsection 1, paragraph D regardless of whether the  
38 creditable service was earned before, on or after July 1,  
39 1998, except that:

40  
41 (1) If the member had 10 years of creditable service  
42 on July 1, 1993, the benefit must be reduced as  
43 provided in section 17852, subsection 4, paragraph C,  
44 subparagraphs (1) and (2); or

45 (2) If the member had fewer than 10 years of  
46 creditable service on July 1, 1993, the benefit must be  
47 reduced as provided in section 17852, subsection 4,  
48 paragraph C-1.  
49  
50

2           D. The service retirement benefit of a member who is a  
4           Maine State Prison employee to whom subsection 1, paragraph  
6           E applies, and who qualifies for service retirement benefits  
8           under subsection 2, paragraph B, must be computed under  
10           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 E regardless of whether the  
          creditable service was earned before, on or after July 1,  
          1998, except that:

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

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

22           **Sec. 5. 5 MRSA §17851-A, sub-§5,** as amended by PL 1999, c.  
24           493, §9, is further amended to read:

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

36  
38

## SUMMARY

40           This bill provides that an oil and hazardous waste materials  
42           worker in the Department of Environmental Protection qualifies  
44           for a service retirement benefit if that worker is at least 55  
          years of age and has completed at least 10 years of creditable  
          service under the 1998 Special Plan of the Maine State Retirement  
          System or has completed at least 25 years of creditable service.