

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 237

S.P. 66

In Senate, January 23, 2001

**An Act Concerning Eligibility Requirements for State Employees,
Teachers and Participating Local District Employees to Purchase
Military Service Credit.**

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 MITCHELL of Penobscot.
Cosponsored by Representative WESTON of Montville and
Senators: MARTIN of Aroostook, CARPENTER of York, YOUNGBLOOD of Penobscot,
Representatives: DUPLESSIE of Westbrook, ANDREWS of York, DESMOND of Mapleton,
LEDWIN of Holden, STEDMAN of Hartland.

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

2
4 **Sec. 1. 5 MRSA §17713, sub-§2, ¶A**, as repealed and replaced by PL 1993, c. 349, §16, is amended to read:

6 A. If the member qualifies under section 17760, subsection
8 2, contributions must be calculated at the percentage rate
10 required of active members during the period of time covered
12 by the service in the armed forces applied to the member's
 earnable compensation during the first year as an employee
 after service in the armed forces, under the following terms
 and conditions:

14 (1) If 2 or more percentage rates were in effect
16 during the period of service in the armed forces, the
 highest percentage rate must be used;

18 (2) The minimum rate is 5%; and

20 (3) Interest at a rate set by the board not to exceed
22 regular interest by 2 or more percentage points must be
24 paid on the unpaid balance beginning the later of
26 January 1, 1976, ~~or~~ the date of attaining 15 5 years of
 creditable service or the date first subject to the
 provisions of this subparagraph, if-later, to the date
 payment is made.

28 **Sec. 2. 5 MRSA §17760, sub-§2, ¶A**, as enacted by PL 1985, c.
30 801, §§5 and 7, is amended to read:

32 A. On the date of retirement, the member must have at least
 15 5 years of creditable service.

34 **Sec. 3. 5 MRSA §17760, sub-§2, ¶D**, as enacted by PL 1985, c.
36 801, §§5 and 7, is repealed.

38 **Sec. 4. 5 MRSA §17760, sub-§2, ¶E**, as amended by PL 1989, c.
 907, §3, is repealed.

40 **Sec. 5. 5 MRSA §18311, sub-§2, ¶A**, as amended by PL 1991, c.
42 23, §1, is further amended to read:

44 A. If the member qualifies under section 18360, subsection
46 2, contributions are calculated at the percentage rate
48 required of active members during the period of time covered
 by the service in the armed forces applied to the member's
 earnable compensation during the first year as an employee
 subsequent to service in the armed forces under the
 following terms and conditions:

- 2 (1) If 2 or more percentage rates were in effect
- 4 during the period of service in the armed forces, the
- 6 highest percentage rate is used;

- 8 (2) The minimum rate is 5%; and

- 10 (3) Interest at a rate set by the board not to exceed
- 12 regular interest by 2 or more percentage points is paid
- 14 on the unpaid balance beginning the later of January 1,
- 1976, ~~or~~ the date of attaining ~~15~~ 5 years of creditable
- service or the date first subject to the provisions of
- this subparagraph, if--later, to the date payment is
- made.

16 **Sec. 6. 5 MRSA §18360, sub-§2, ¶A,** as enacted by PL 1985, c.
18 801, §§5 and 7, is amended to read:

20 A. On the date of retirement, the member must have at least
22 ~~15~~ 5 years of creditable service.

24 **Sec. 7. 5 MRSA §18360, sub-§2, ¶D,** as enacted by PL 1985, c.
26 801, §§5 and 7, is repealed.

28 **Sec. 8. 5 MRSA 18360, sub-§2, ¶E,** as amended by PL 1991, c.
30 23, §3, is repealed.

32 **Sec. 9. 5 MRSA §18360, sub-§2, ¶F,** as enacted by PL 1985, c.
34 801, §§5 and 7, is amended to read:

36 F. ~~Except for members qualifying under paragraph E, this~~
38 This subsection:

- 40 (1) Applies to all persons, active or retired, but,
- 42 for those already retired, the effective date of any
- 44 adjustment ~~shall--be~~ is not earlier than the date on
- 46 which the time or credit is certified to the retirement
- 48 system~~--and.~~

- 50 (2) ~~--Does not apply to any member who begins membership~~
~~en--or--after--January--1,--1976.~~

SUMMARY

46 This bill reduces from 15 to 5 the number of years of
48 creditable service a state employee, teacher or participating
50 local district employee who is a member of the Maine State
Retirement System must have before the employee is eligible to
purchase service credits for service in the Armed Forces of the

United States. It also removes a requirement that members
2 joining the state retirement system after January 1, 1976 have
served in a federally recognized period of conflict to be
4 eligible to purchase military service credits.