

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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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.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading "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:**

**Sec. 1. 5 MRSA §17713, sub-§2, ¶A,** as repealed and replaced by PL 1993, c. 349, §16, is amended to read:

A. If the member qualifies under section 17760, subsection 2, contributions must be calculated at the percentage rate 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 after service in the armed forces, under the following terms and conditions:

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

(2) The minimum rate is 5%; and

(3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points must be paid 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.

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

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

**Sec. 3. 5 MRSA §17760, sub-§2, ¶D,** as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

**Sec. 4. 5 MRSA §17760, sub-§2, ¶E,** as amended by PL 1989, c. 907, §3, is repealed.

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

A. If the member qualifies under section 18360, subsection 2, contributions are calculated at the percentage rate 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  
highest percentage rate is used;

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

8 (3) Interest at a rate set by the board not to exceed  
10 regular interest by 2 or more percentage points is paid  
12 on the unpaid balance beginning the later of January 1,  
1976, ~~or~~ the date of attaining 15 5 years of creditable  
14 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  
adjustment ~~shall--be~~ is not earlier than the date on  
which the time or credit is certified to the retirement  
system~~--and.~~

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

## 46 SUMMARY

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