

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1566

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H.P. 1166

House of Representatives, March 13, 2001

**An Act to Improve Pension Benefits for Employees in the Department of  
Environmental Protection, Division of Oil and Hazardous Waste  
Facilities Regulation.**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUPLESSIE of Westbrook.  
Cosponsored by Representative DAIGLE of Arundel, Senator EDMONDS of Cumberland and  
Representatives: BERRY of Livermore, COWGER of Hallowell, HATCH of Skowhegan,  
NORTON of Bangor, TOBIN of Windham, TWOMEY of Biddeford, Senator: TREAT of  
Kennebec.

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

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

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

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

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

L. Oil and hazardous waste materials workers in the employment of the Department of Environmental Protection on January 1, 2002 or hired thereafter.

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

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 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 December 31, 2001 for employees identified in subsection 1, paragraph L qualifies for a service retirement benefit if that member either:

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

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

**Sec. 4. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c. 489, §14; c. 493, §9; and c. 731, Pt. CC, §§5 and 6, is repealed and the following enacted in its place:

**4. Computation of benefits.** The amount of the service 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 December 31, 2001 for employees identified in  
14       subsection 1, paragraph L or if service credit was purchased  
16       by repayment of an earlier refund of accumulated  
18       contributions for service after June 30, 1998 for employees  
20       identified in subsection 1, paragraphs A to H, after  
22       December 31, 1999 for employees identified in subsection 1,  
24       paragraphs I to K and after December 31, 2001 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 December 31, 2001  
      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 paragraph D, if some part of the  
40       member's creditable service in any one or a combination of  
42       the capacities specified in subsection 1 was earned before  
44       July 1, 1998 for employees identified in subsection 1,  
46       paragraphs A to H, before January 1, 2000 for employees  
48       identified in subsection 1, paragraphs I to K and before  
50       January 1, 2002 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 December 31, 2001 for employees  
      identified in subsection 1, paragraph L then the member's

2 service retirement benefit must be computed in segments and  
3 the amount of the member's service retirement benefit is the  
4 sum of the segments. The segments must be computed as  
5 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 January  
14 1, 2002 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 January 1, 2002 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 January 1, 2002 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 (a) Had 10 years of creditable service on July 1,  
35 1993, the amount of the segment or segments must  
36 be reduced as provided in section 17852,  
37 subsection 3, paragraphs A and B; or

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

42 (2) The segment that reflects creditable service  
43 earned after June 30, 1998 for employees identified in  
44 subsection 1, paragraphs A to H, after December 31,  
45 1999 for employees identified in subsection 1,  
46 paragraphs I to K and after December 31, 2001 for  
47 employees identified in subsection 1, paragraph L or

2 purchased by repayment of an earlier refund of  
3 accumulated contributions for service after June 30,  
4 1998 for employees identified in subsection 1,  
5 paragraphs A to H, after December 31, 1999 for  
6 employees identified in subsection 1, paragraphs I to K  
7 and after December 31, 2001 for employees identified in  
8 subsection 1, paragraph L in any one or a combination  
9 of the capacities specified in subsection 1, or  
10 purchased by other than the repayment of a refund and  
11 eligibility to make the purchase of the service credit,  
12 including, but not limited to, service credit for  
13 military service, was achieved after June 30, 1998 for  
14 employees identified in subsection 1, paragraphs A to  
15 H, after December 31, 1999 for employees identified in  
16 subsection 1, paragraphs I to K and after December 31,  
17 2001 for employees identified in subsection 1,  
18 paragraph L must be computed under section 17852,  
19 subsection 1, paragraph A. If the member is qualified  
20 under subsection 2, 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 D. The service retirement benefit of a member who is a  
31 Maine State Prison employee to whom subsection 1, paragraph  
32 E applies, and who qualifies for service retirement benefits  
33 under subsection 2, paragraph B, must be computed under  
34 section 17852, subsection 1, paragraph A on the basis of all  
35 of the member's creditable service in the capacity specified  
36 in subsection 1, paragraph E regardless of whether the  
37 creditable service was earned before, on or after July 1,  
38 1998, except that:

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

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

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

**5. Contributions.** Notwithstanding any other provision of subchapter III, 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 December 31, 2001 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.

**Sec. 6. 38 MRSA §551, sub-§5, ¶H,** as amended by PL 1991, c. 698, §11, is further amended to read:

H. Sums, up to \$50,000 each year, that have been allocated by the Legislature on a contingency basis in accordance with section 555 for payment of costs for damage assessment for specific spills and site-specific studies of the environmental impacts of a particular discharge prohibited by section 543 that may have adverse economic effects and occur subsequent to such an allocation, when those studies are determined necessary by the commissioner; and

**Sec. 7. 38 MRSA §551, sub-§5, ¶I,** as enacted by PL 1989, c. 868, §8, is amended to read:

I. Payment of costs for the collection of overdue reimbursements; and

**Sec. 8. 38 MRSA §551, sub-§5, ¶J** is enacted to read:

J. Payment of 0.25¢ per barrel of the 3¢ per barrel received pursuant to subsection 4 to fund the purposes of Title 5, section 17851-A, subsection 1, paragraph L.

## SUMMARY

This bill provides that an oil and hazardous waste materials worker in the Department of Environmental Protection qualifies 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.

2        This bill also helps fund the cost of adding oil and  
hazardous waste materials workers to the 1998 special plan by  
allocating 0.25¢ per barrel of the 3¢ per barrel of oil received  
4 by the Maine Coastal and Inland Service Oil Clean-up fund to the  
Maine State Retirement System.