

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1583

S.P. 494

In Senate, March 13, 2001

An Act to Provide Pension Equity for Mental Health Workers.

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 DAGGETT of Kennebec.
Cosponsored by Representative DUPLESSIE of Westbrook.

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
employment of the Department of Public Safety on January 1,
14 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
Department of Mental Health, Mental Retardation and
Substance Abuse Services on January 1, 2002 or hired
thereafter who have direct care responsibilities for persons
residing in institutions.

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
after June 30, 1998 for employees identified in subsection 1,
30 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
32 qualifies for a service retirement benefit if that member either:

34 A. Is at least 55 years of age and has completed at least
36 10 years of creditable service under the 1998 Special Plan
in any one or a combination of the capacities; or

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

46 **Sec. 4. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 1999, c.
48 493, §8, is further amended to read:

50 A. For the purpose of meeting the qualification requirement
of subsection 2, paragraph A:

2 (1) Service credit purchased by repayment of an
4 earlier refund of accumulated contributions following
6 termination of service is included only to the extent
8 that time to which the refund relates was served after
10 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, in any one or a combination
of the capacities specified in subsection 1; and

12 (2) Service credit purchased other than as provided
14 under subparagraph (1), including but not limited to
service credit for military service, is not included.

16 **Sec. 5. 5 MRSA §17851-A, sub-§4,** as amended by PL 1999, c.
18 731, Pt. CC, §§5 and 6, is repealed.

20 **Sec. 6. 5 MRSA §17851-A, sub-§4-A** is enacted to read:

22 4-A. Computation of benefits. Except as provided in
24 paragraphs A and B, the amount of the service retirement benefit
for members qualified under subsection 2 must be computed as
provided in section 17852, subsection 1, paragraph A.

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

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

36 **Sec. 7. Revisor's review; cross-references.** The Revisor of
38 Statutes shall review the Maine Revised Statutes and include in
40 the errors and inconsistencies bill submitted to the Second
42 Regular session of the 120th Legislature pursuant to Title 1,
section 94 any sections necessary to correct and update any
cross-references in the statutes to provisions of law repealed in
this Act.

44 SUMMARY

46 The bill adds direct care mental health workers in the
48 Department of Mental Health, Mental Retardation and Substance
Abuse Services to the 1998 Special Retirement Plan. Under that
50 existing plan a member qualifies for a service retirement benefit

2 if that worker is at least 55 years of age and has completed at
least 10 years of creditable service in a covered capacity. A
4 reduced retirement benefit is available before age 55 if the
member has completed at least 25 years of creditable service.
6 The bill makes coverage of eligible mental health workers
employed on or after January 1, 2002 retroactive to their date of
hire.