

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1584

S.P. 495

In Senate, March 13, 2001

An Act to Change the Retirement Eligibility Requirement for Game Wardens.

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 President MICHAUD of Penobscot.
Cosponsored by Representative COLWELL of Gardiner and
Senators: CARPENTER of York, DAVIS of Piscataquis, KILKELLY of Lincoln,
KNEELAND of Aroostook, MARTIN of Aroostook, Representatives: BUNKER of Kossuth
Township, CHICK of Lebanon, STANLEY of Medway.

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

2
4 **Sec. 1. 5 MRSA §17709, sub-§2,** as repealed and replaced by PL 1995, c. 466, Pt. A, §1, is amended to read:

6 **2. After August 31, 1984.** A law enforcement officer in the
8 Department of Inland Fisheries and Wildlife who was first
employed in that capacity after August 31, 1984 ~~and who elects
the retirement option provided in section 17851, subsection 5-A~~
10 shall contribute to the retirement system or have pick-up
contributions made by the employer as ~~provided in section 17852,
subsection 5-A~~ at a rate of 7.5% of earnable compensation until
12 the law enforcement officer has completed 25 years of creditable
14 service and at a rate of 6.5% thereafter.

16 **Sec. 2. 5 MRSA §17851, sub-§5-A,** as amended by PL 1997, c.
18 769, §4, is further amended to read:

20 **5-A. Inland Fisheries and Wildlife officers after August**
22 **31, 1984.** ~~Except as provided in section 17851-A, a~~ A law
enforcement officer in the Department of Inland Fisheries and
24 Wildlife who was first employed in that capacity after August 31,
1984 or who, if employed in that capacity before August 31, 1984,
26 ceased to be employed in that capacity on or before that date and
who subsequently became reemployed in that capacity after that
date qualifies for a service retirement benefit ~~upon reaching 55~~
28 ~~years of age~~ after completing at least 25 years of creditable
service in that capacity ~~if notice of election of the option and~~
30 ~~payment of employee contributions and actuarial costs are made as~~
~~provided in section 17852, subsection 5-A.~~

32 **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶B,** as enacted by PL 1997, c.
34 769, §11, is repealed.

36 **Sec. 4. 5 MRSA §17851-A, sub-§2,** as amended by PL 1999, c.
493, §7, is further amended to read:

38 **2. Qualification for benefits.** A member employed in any
40 one or a combination of the capacities specified in subsection 1,
after June 30, 1998 for employees identified in subsection 1,
42 paragraphs A and C to H and after December 31, 1999 for employees
identified in subsection 1, paragraphs I to K, qualifies for a
service retirement benefit if that member either:

44 A. Is at least 55 years of age and has completed at least
46 10 years of creditable service under the 1998 Special Plan
in any one or a combination of the capacities; or

48 B. Has completed at least 25 years of creditable service in
50 any one or a combination of the capacities specified in

2 subsection 1, whether or not the creditable service included
in determining that the 25-year requirement has been met was
4 earned under the 1998 Special Plan or prior to its
establishment.

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

8
10 A. For the purpose of meeting the qualification requirement
of subsection 2, paragraph A:

12 (1) Service credit purchased by repayment of an
14 earlier refund of accumulated contributions following
termination of service is included only to the extent
16 that time to which the refund relates was served after
June 30, 1998 for employees identified in subsection 1,
18 paragraphs A and C to H and after December 31, 1999 for
employees identified in subsection 1, paragraphs I to
20 K, in any one or a combination of the capacities
specified in subsection 1; and

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

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

30 A. If all of the member's creditable service in any one or
32 a combination of the capacities specified in subsection 1
was earned after June 30, 1998 for employees identified in
34 subsection 1, paragraphs A and C to H and after December 31,
1999 for employees identified in subsection 1, paragraphs I
36 to K or if service credit was purchased by repayment of an
earlier refund of accumulated contributions for service
38 after June 30, 1998 for employees identified in subsection
1, paragraphs A and C to H and after December 31, 1999 for
40 employees identified in subsection 1, paragraphs I to K, in
any one or a combination of the capacities specified in
42 subsection 1, or if service credit was purchased by other
than the repayment of an earlier refund and eligibility to
44 make the purchase of the service credit, including but not
limited to service credit for military service, was achieved
46 after June 30, 1998 for employees identified in subsection
1, paragraphs A and C to H and after December 31, 1999 for

2 employees identified in subsection 1, paragraphs I to K, the
3 benefit must be computed as provided in section 17852,
4 subsection 1. If the member had 10 years of creditable
5 service on July 1, 1993, the benefit must be reduced as
6 provided in section 17852, subsection 3, paragraphs A and B,
7 and if the member had fewer than 10 years of creditable
8 service on July 1, 1993, the benefit must be reduced by 6%
9 for each year that the member's age precedes age 55.

10 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced
11 by PL 1999, c. 731, Pt. CC, §5, is amended to read:

12
13 B. Except as provided in paragraph D, if some part of the
14 member's creditable service in any one or a combination of
15 the capacities specified in subsection 1 was earned before
16 July 1, 1998 for employees identified in subsection 1,
17 paragraphs A and C to H and before January 1, 2000 for
18 employees identified in subsection 1, paragraphs I to K and
19 some part of the member's creditable service in any one or a
20 combination of the capacities specified in subsection 1 was
21 earned after June 30, 1998 for employees identified in
22 subsection 1, paragraphs A and C to H and after December 31,
23 1999 for employees identified in subsection 1, paragraphs I
24 to K, then the member's service retirement benefit must be
25 computed in segments and the amount of the member's service
26 retirement benefit is the sum of the segments. The segments
27 must be computed as follows:

28
29 (1) The segment or, if the member served in more than
30 one of the capacities specified in subsection 1 and the
31 benefits related to the capacities are not
32 interchangeable under section 17856, segments that
33 reflect creditable service earned before July 1, 1998
34 for employees identified in subsection 1, paragraphs A
35 and C to H and before January 1, 2000 for employees
36 identified in subsection 1, paragraphs I to K or
37 purchased by repayment of an earlier refund of
38 accumulated contributions for service before July 1,
39 1998 for employees identified in subsection 1,
40 paragraphs A and C to H and before January 1, 2000 for
41 employees identified in subsection 1, paragraphs I to K
42 in a capacity or capacities specified in subsection 1,
43 or purchased by other than the repayment of a refund
44 and eligibility to make the purchase of the service
45 credit, including, but not limited to, service credit
46 for military service, was achieved before July 1, 1998
47 for employees identified in subsection 1, paragraphs A
48 and C to H and before January 1, 2000 for employees
49 identified in subsection 1, paragraphs I to K, must be
50 computed under section 17852, subsection 1, paragraph

2 A. If the member is qualified under subsection 2,
paragraph B and:

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

8 (b) Had fewer than 10 years of creditable service
10 on July 1, 1993, the amount of the segment or
segments must be reduced as provided in section
12 17852, subsection 3-A; and

14 (2) The segment that reflects creditable service
earned after June 30, 1998 for employees identified in
16 subsection 1, paragraphs A and C to H and after
December 31, 1999 for employees identified in
18 subsection 1, paragraphs I to K or purchased by
repayment of an earlier refund of accumulated
20 contributions for service after June 30, 1998 for
employees identified in subsection 1, paragraphs A and
22 C to H and after December 31, 1999 for employees
identified in subsection 1, paragraphs I to K in any
24 one or a combination of the capacities specified in
subsection 1, or purchased by other than the repayment
26 of a refund and eligibility to make the purchase of the
service credit, including, but not limited to, service
28 credit for military service, was achieved after June
30, 1998 for employees identified in subsection 1,
30 paragraphs A and C to H and after December 31, 1999 for
employees identified in subsection 1, paragraphs I to
32 K, must be computed under section 17852, subsection 1,
paragraph A. If the member is qualified under
34 subsection 2, paragraph B and:

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

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

46 **Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 1999, c.
48 493, §9, is further amended to read:

50 **5. Contributions.** Notwithstanding any other provision of
subchapter III, after June 30, 1998, for employees identified in

2 subsection 1, paragraphs A and C to H, and after December 31,
3 1999, for employees identified in subsection 1, paragraphs I to K
4 a member in the capacities specified in subsection 1 must
5 contribute to the retirement system or have pick-up contributions
6 made at the rate of 8.65% of earnable compensation until the
7 member has completed 25 years of creditable service as provided
8 in this section and at the rate of 7.65% thereafter.

9
10 **Sec. 9. 5 MRSA §17851-A, sub-§6**, as enacted by PL 1997, c.
11 769, §11, is amended to read:

12 **6. Consequences of participation in retirement plan under**
13 **section 17851, subsection 6-A or 8-A.** Notwithstanding any other
14 provision of law, a member in the capacities specified in
15 subsection 1 who, prior to July 1, 1998, elected the retirement
16 option provided in section 17851, subsection 5-A, 6-A or 8-A is
17 treated as follows under the 1998 Special Plan.

18
19 A. A member who made the election at the time of first
20 employment in a position covered under section 17851,
21 subsection 5-A, 6-A and 8-A is considered to be a member
22 under the 1998 Special Plan as of the date of hire.
23 Beginning July 1, 1998, a member covered by this paragraph
24 shall contribute to the retirement system or have pick-up
25 contributions made at a rate of 8.65% of earnable
26 compensation until completion of 25 years of creditable
27 service and shall contribute at a rate of 7.65% thereafter.

28
29 B. A member who was serving in a position covered under
30 section 17851, subsection 5-A, 6-A or 8-A at the time of the
31 election and who elected to participate in the retirement
32 option prospectively from the time of election is considered
33 to be a member under the 1998 Special Plan as of the
34 effective date of the election. Beginning July 1, 1998, a
35 member covered by this paragraph shall contribute to the
36 retirement system or have pick-up contributions made at a
37 rate of 8.65% of earnable compensation until completion of
38 25 years of creditable service and shall contribute at a
39 rate of 7.65% thereafter.

40
41 C. A member who was serving in a position covered under
42 section 17851, subsection 5-A, 6-A or 8-A at the time of the
43 election and who elected to participate in the retirement
44 option prospectively from the time of election and also
45 elected to purchase credit for service earned while serving
46 in the same capacity before exercising the election is
47 considered to be a member under the 1998 Special Plan as of
48 the beginning date of the service for which credit is
49 purchased, provided that all of the payments required under
50 section 17852, subsection 5-A, 6-A or 7-A are made before

2 retirement. If all the required payments are not made
4 before retirement, that member is considered to be a member
6 under the 1998 Special Plan as of the effective date of the
8 election. Beginning July 1, 1998, a member covered by this
paragraph shall contribute to the retirement system or have
pick-up contributions made at a rate of 8.65% of earnable
compensation until completion of 25 years of creditable
service and shall contribute at a rate of 7.65% thereafter.

10 Employee contributions and actuarial and administrative costs
12 paid to the retirement system by a member covered by this
14 subsection may not be returned to that member, except that these
employee contributions may be refunded to a member who terminates
service and requests a refund under section 17705.

16 **Sec. 10. 5 MRSA §17852, sub-§5-A**, as amended by PL 1997, c.
18 769, §12, is further amended to read:

20 **5-A. Inland Fisheries and Wildlife officers after August**
22 **31, 1984.** ~~Except as provided in section 17851-A, the~~ The
24 retirement benefit of a person who qualifies under section 17851,
subsection 5-A and who retires upon or after ~~reaching 55 years of~~
age completing 25 years of creditable service is computed in
accordance with subsection 1 ~~if:~~

26 ~~A. The person was first employed as a law enforcement~~
28 ~~officer in the Department of Inland Fisheries and Wildlife~~
~~on or after November 1, 1995, elects the option provided in~~
30 ~~section 17851, subsection 5-A and pays to the retirement~~
32 ~~system an increased employee payroll contribution in an~~
~~amount that equals the full actuarial cost of electing that~~
~~option; or~~

34 ~~B. The person was first employed as a law enforcement~~
36 ~~officer in the Department of Inland Fisheries and Wildlife~~
~~before November 1, 1995, elects the option provided in~~
38 ~~section 17851, subsection 5-A and pays to the retirement~~
40 ~~system single or periodic payment of a lump sum or by a~~
~~combination of single and periodic payments of the amount~~
42 ~~that equals the full actuarial cost of electing that option~~
~~for service before that date. A person who requests~~
44 ~~calculation of the full actuarial cost, regardless of~~
~~whether the person elects the option, must pay to the~~
46 ~~retirement system by single lump sum payment the reasonable~~
~~administrative costs of determining the full actuarial~~
48 ~~costs. Payment of full actuarial cost related to~~
~~service on or after November 1, 1995 is made as part of the~~
~~employee payroll contribution.~~

50 ~~For the purposes of this subsection, "full actuarial cost" means~~

2 that--the--person's--payment--or--payments--must--fully--offset--any
unfunded--liability--that--would--or--does--result--from--retirement
4 under--the--option--provided--in--section--17851,--subsection--5--A--and
must--fully--fund--the--cost--of--the--person's--retirement--prior--to
6 normal--retirement--age--so--that--an--additional--employer--contribution
is--not--required.

8 A--person--who--makes--the--election--provided--in--section--17851,
subsection--5--A--at--any--time--after--the--date--on--which--the--person--is
10 first--employed--as--a--law--enforcement--officer--in--the--Department--of
Inland--Fisheries--and--Wildlife--must--include--interest--at--a--rate--to
12 be--set--by--the--board--not--to--exceed--regular--interest--by--5--or--more
percentage--points,--applied--as--of--the--date--on--which--the--person--was
14 first--employed--in--that--capacity--to--the--contributions--the--person
would--have--paid--or--had--picked--up--by--the--employer--had--the--person
16 elected--that--option--at--the--date--of--first--employment.

18 This--subsection--is--effective--November--1,--1995.---Election--to
retire--under--this--subsection--is--a--one--time--irrevocable--election.
20 A--person--who--was--first--employed--as--a--law--enforcement--officer--in
the--Department--of--Inland--Fisheries--and--Wildlife--on--or--after
22 November--1,--1995--must--make--the--election--no--later--than--90--days
after--the--date--of--first--employment.---A--person--who--was--first
24 employed--in--that--capacity--before--November--1,--1995--must--make--the
election--no--later--than--January--1,--1997.

26
28 **Sec. 11. 5 MRSA §17852, sub-§5-B,** as amended by PL 1997, c.
769, §13, is repealed.

30 SUMMARY

32
34 This bill establishes a special retirement plan for fish and
wildlife game wardens that provides full retirement benefits
36 after 25 years of service with no minimum retirement age
requirement. The special plan applies to all newly hired game
wardens and is retroactive for current wardens. The bill also
38 removes game wardens from the 1998 Special Retirement Plan.