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A.S.

L.D. 2028

DATE: *2-27-02*

(Filing No. H-*846*)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 1524, L.D. 2028, Bill, "An Act to Provide Retirement Equity for Capital Security Officers"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 1998 Special Plan was enacted to provide appropriate retirement benefits to state employees engaged in public safety and law enforcement activities; and

Whereas, as a matter of equity capital security officers should be eligible for the same retirement benefits under the 1998 Special Plan as other state employees engaged in public safety and law enforcement activities; and

Whereas, eligibility to participate in the 1998 Special Plan will assist in the recruitment and retention of capital security officers in this period of heightened awareness of the need for qualified security employees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

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2 Further amend the bill in section 2 in paragraph M in the
last line (page 1, line 16 in L.D.) by striking out the
4 following: "January" and inserting in its place the following:
'July'

6
8 Further amend the bill by striking out all of sections 3 and
4 and inserting in their place the following:

10 'Sec. 3. 5 MRSA §17851-A, sub-§2, as amended by PL 2001, c.
12 409, §3, is further amended by amending the first paragraph to
read:

14 2. **Qualification for benefits.** A member employed in any
16 one or a combination of the capacities specified in subsection 1
after June 30, 1998 for employees identified in subsection 1,
18 paragraphs A to H; after December 31, 1999 for employees
identified in subsection 1, paragraphs I to K; after June 30,
20 2002 for employees identified in paragraph M; and any employee
identified in subsection 1, paragraph L, qualifies for a service
retirement benefit if that member either:

22
24 **Sec. 4. 5 MRSA §17851-A, sub-§2,** as amended by PL 2001, c.
439, Pt. GGGG, §6 and affected by §18, is further amended by
26 amending the first paragraph to read:

28 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,
30 paragraphs C to H; after December 31, 1999 for employees
identified in subsection 1, paragraphs I to K; after June 30,
32 2002 for employees identified in paragraph M; and any employee
identified in subsection 1, paragraph L, qualifies for a service
34 retirement benefit if that member either:'

36 Further amend the bill in section 5 in paragraph A by
striking out all of subparagraph (1) and inserting in its place
38 the following:

40 '(1) Service credit purchased by repayment of an
42 earlier refund of accumulated contributions following
termination of service is included only to the extent
44 that time to which the refund relates was served after
June 30, 1998 for employees identified in subsection 1,
46 paragraphs A to H and; after December 31, 1999 for
employees identified in subsection 1, paragraphs I to
48 K; and after June 30, 2002 for employees identified in
subsection 1, paragraph M, in any one or a combination
of the capacities specified in subsection 1. Service
50 credit may be purchased for service by an employee

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2 identified in subsection 1, paragraph L regardless of
when performed; and'

4 Further amend the bill in section 6 in paragraph A by
striking out all of subparagraph (1) and inserting in its place
6 the following:

8 '(1) Service credit purchased by repayment of an
10 earlier refund of accumulated contributions following
12 termination of service is included only to the extent
14 that time to which the refund relates was served after
June 30, 1998 for employees identified in subsection 1,
16 paragraphs C to H and; after December 31, 1999 for
employees identified in subsection 1, paragraphs I to
18 K; and after June 30, 2002 for employees identified in
20 subsection 1, paragraph M, in any one or a combination
of the capacities specified in subsection 1. Service
credit may be purchased for service by an employee
identified in subsection 1, paragraph L regardless of
when performed; and'

22 Further amend the bill by striking out all of sections 7 to
14 and inserting in their place the following:

24 '**Sec. 7. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced
26 by PL 2001, c. 409, §5, is amended to read:

28 A. If all of the member's creditable service in any one or
30 a combination of the capacities specified in subsection 1
was earned after June 30, 1998 for employees identified in
32 subsection 1, paragraphs A to H; after December 31, 1999 for
employees identified in subsection 1, paragraphs I to K; and
34 after December 31, 2001 for employees identified in
subsection 1, paragraph L; and after June 30, 2002 for
36 employees identified in subsection 1, paragraph M; if
service credit was purchased by repayment of an earlier
38 refund of accumulated contributions for service in any one
or a combination of the capacities specified in subsection 1
40 after June 30, 1998 for employees identified in subsection
1, paragraphs A to H; after December 31, 1999 for employees
42 identified in subsection 1, paragraphs I to K; and after
December 31, 2001 for employees identified in subsection 1,
44 paragraph L; and after June 30, 2002 for employees
identified in subsection 1, paragraph M; or if service
46 credit was purchased by other than the repayment of an
earlier refund and eligibility to make the purchase of the
48 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
50 to H; after December 31, 1999 for employees identified in

2 subsection 1, paragraphs I to K; after December 31, 2001 for
 3 employees identified in subsection 1, paragraph L; and after
 4 June 30, 2002 for employees identified in subsection 1,
 5 paragraph M, the benefit must be computed as provided in
 6 section 17852, subsection 1, paragraph A.

8 (1) If the member had 10 years of creditable service
 9 on July 1, 1993, the benefit under subsection 2,
 10 paragraph B must be reduced as provided in section
 11 17852, subsection 3, paragraphs A and B.

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

18 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced
 19 by PL 2001, c. 439, Pt. GGGG, §8 and affected by §18, is amended
 20 to read:

22 A. If all of the member's creditable service in any one or
 23 a combination of the capacities specified in subsection 1
 24 was earned after June 30, 1998 for employees identified in
 25 subsection 1, paragraphs C to H and; after December 31, 1999
 26 for employees identified in subsection 1, paragraphs I to K;
 27 after December 31, 2001 for employees identified in
 28 subsection 1, paragraph L; and after June 30, 2002 for
 29 employees identified in subsection 1, paragraph M or if
 30 service credit was purchased by repayment of an earlier
 31 refund of accumulated contributions for service after June
 32 30, 1998 for employees identified in subsection 1,
 33 paragraphs C to H and; after December 31, 1999 for employees
 34 identified in subsection 1, paragraphs I to K; and after
 35 December 31, 2001 for employees identified in subsection 1,
 36 paragraph L; and after June 30, 2002 for employees
 37 identified in subsection 1, paragraph M, in any one or a
 38 combination of the capacities specified in subsection 1, or
 39 if service credit was purchased by other than the repayment
 40 of an earlier refund and eligibility to make the purchase of
 41 the service credit, including, but not limited to, service
 42 credit for military service, was achieved after June 30,
 43 1998 for employees identified in subsection 1, paragraphs C
 44 to H and; after December 31, 1999 for employees identified
 45 in subsection 1, paragraphs I to K; and after December 31,
 46 2001 for employees identified in subsection 1, paragraph L;
 47 and after June 30, 2002 for employees identified in
 48 subsection 1, paragraph M, the benefit must be computed as
 49 provided in section 17852, subsection 1. If the member had
 50 10 years of creditable service on July 1, 1993, the benefit

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

7 **Sec. 9. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced
8 by PL 2001, c. 409, §5, is amended to read:

10 B. Except as provided in paragraphs D and E, if some part
11 of the member's creditable service in any one or a
12 combination of the capacities specified in subsection 1 was
13 earned before July 1, 1998 for employees identified in
14 subsection 1, paragraphs A to H; before January 1, 2000 for
15 employees identified in subsection 1, paragraphs I to K and;
16 before January 1, 2002 for employees identified in
17 subsection 1, paragraph L; and before July 1, 2002 for
18 employees identified in subsection 1, paragraph M and some
19 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 to H; after December 31, 1999
23 for employees identified in subsection 1, paragraphs I to K
24 and; after December 31, 2001 for employees identified in
25 subsection 1, paragraph L; and after June 30, 2002 for
26 employees identified in subsection 1, paragraph M, then the
27 member's service retirement benefit must be computed in
28 segments and the amount of the member's service retirement
29 benefit is the sum of the segments. The segments must be
30 computed as follows:

32 (1) The segment or, if the member served in more than
33 one of the capacities specified in subsection 1 and the
34 benefits related to the capacities are not
35 interchangeable under section 17856, segments that
36 reflect creditable service earned before July 1, 1998
37 for employees identified in subsection 1, paragraphs A
38 to H; before January 1, 2000 for employees identified
39 in subsection 1, paragraphs I to K and; before January
40 1, 2002 for employees identified in subsection 1,
41 paragraph L; and before July 1, 2002 for employees
42 identified in subsection 1, paragraph M or purchased by
43 repayment of an earlier refund of accumulated
44 contributions for service before July 1, 1998, for
45 employees identified in subsection 1, paragraphs A to
46 H; before January 1, 2000 for employees identified in
47 subsection 1, paragraphs I to K and; before January 1,
48 2002 for employees identified in subsection 1,
49 paragraph L; and before July 1, 2002 for employees
50 identified in subsection 1, paragraph M in a capacity

2 or capacities specified in subsection 1 or purchased by
3 other than the repayment of a refund and eligibility to
4 make the purchase of the service credit, including, but
5 not limited to, service credit for military service,
6 was achieved before July 1, 1998 for employees
7 identified in subsection 1, paragraphs A to H; before
8 January 1, 2000 for employees identified in subsection
9 1, paragraphs I to K and; before January 1, 2002 for
10 employees identified in subsection 1, paragraph L; and
11 before July 1, 2002 for employees identified in
12 subsection 1, paragraph M, must be computed under
13 section 17852, subsection 1, paragraph A. If the
14 member is qualified under subsection 2, paragraph B and:

15 (a) Had 10 years of creditable service on July 1,
16 1993, the amount of the segment or segments must
17 be reduced as provided in section 17852,
18 subsection 3, paragraphs A and B; or

19 (b) Had fewer than 10 years of creditable service
20 on July 1, 1993, the amount of the segment or
21 segments must be reduced as provided in section
22 17852, subsection 3-A; and

23 (2) The segment that reflects creditable service
24 earned after June 30, 1998 for employees identified in
25 subsection 1, paragraphs A to H; after December 31,
26 1999 for employees identified in subsection 1,
27 paragraphs I to K and; after December 31, 2001 for
28 employees identified in subsection 1, paragraph L; and
29 after June 30, 2002 for employees identified in
30 subsection 1, paragraph M or purchased by repayment of
31 an earlier refund of accumulated contributions for
32 service after June 30, 1998 for employees identified in
33 subsection 1, paragraphs A to H; after December 31,
34 1999 for employees identified in subsection 1,
35 paragraphs I to K and; after December 31, 2001 for
36 employees identified in subsection 1, paragraph L; and
37 after June 30, 2002 for employees identified in
38 subsection 1, paragraph M in any one or a combination
39 of the capacities specified in subsection 1, or
40 purchased by other than the repayment of a refund and
41 eligibility to make the purchase of the service credit,
42 including, but not limited to, service credit for
43 military service, was achieved after June 30, 1998 for
44 employees identified in subsection 1, paragraphs A to
45 H; after December 31, 1999 for employees identified in
46 subsection 1, paragraphs I to K and; after December 31,
47 2001 for employees identified in subsection 1,
48 paragraph L; and after June 30, 2002 for employees
49

2 identified in subsection 1, paragraph M must be
 3 computed under section 17852, subsection 1, paragraph
 4 A. If the member is qualified under subsection 2,
 5 paragraph B and:

6 (a) Had 10 years of creditable service on July 1,
 7 1993, the segment amount must be reduced in the
 8 manner provided in section 17852, subsection 3,
 9 paragraphs A and B for each year that the member's
 10 age precedes 55 years of age; or

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

15 **Sec. 10. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2001,
 16 c. 439, Pt. GGGG, §9 and affected by §18, is further amended to
 17 read:

18 B. Except as provided in ~~paragraph~~ paragraphs D and E, if
 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 before July 1, 1998 for employees identified in
 22 subsection 1, paragraphs C to H and before January 1, 2000
 23 for employees identified in subsection 1, paragraphs I to K
 24 and some part of the member's creditable service in any one
 25 or a combination of the capacities specified in subsection 1
 26 was earned after June 30, 1998 for employees identified in
 27 subsection 1, paragraphs C to H and; after December 31, 1999
 28 for employees identified in subsection 1, paragraphs I to K;
 29 before January 1, 2002 for employees identified in
 30 subsection 1, paragraph L; and before July 1, 2002 for
 31 employees identified in subsection 1, paragraph M, then the
 32 member's service retirement benefit must be computed in
 33 segments and the amount of the member's service retirement
 34 benefit is the sum of the segments. The segments must be
 35 computed as follows:

36 (1) The segment or, if the member served in more than
 37 one of the capacities specified in subsection 1 and the
 38 benefits related to the capacities are not
 39 interchangeable under section 17856, segments that
 40 reflect creditable service earned before July 1, 1998
 41 for employees identified in subsection 1, paragraphs C
 42 to H and; before January 1, 2000 for employees
 43 identified in subsection 1, paragraphs I to K; before
 44 January 1, 2002 for employees specified in subsection
 45 1, paragraph L; and before July 1, 2002 for employees
 46 identified in subsection 1, paragraph M or purchased by
 47

2 repayment of an earlier refund of accumulated
3 contributions for service before July 1, 1998 for
4 employees identified in subsection 1, paragraphs C to H
5 and; before January 1, 2000 for employees identified in
6 subsection 1, paragraphs I to K; before January 1, 2002
7 for employees specified in subsection 1, paragraph L;
8 and before July 1, 2002 for employees identified in
9 subsection 1, paragraph M in a capacity or capacities
10 specified in subsection 1, or purchased by other than
11 the repayment of a refund and eligibility to make the
12 purchase of the service credit, including, but not
13 limited to, service credit for military service, was
14 achieved before July 1, 1998 for employees identified
15 in subsection 1, paragraphs C to H and; before January
16 1, 2000 for employees identified in subsection 1,
17 paragraphs I to K; before January 1, 2002 for employees
18 identified in subsection 1, paragraph L; and before
19 July 1, 2002 for employees identified in subsection 1,
20 paragraph M, must be computed under section 17852,
21 subsection 1, paragraph A. If the member is qualified
22 under subsection 2, paragraph B and:

23
24 (a) Had 10 years of creditable service on July 1,
25 1993, the amount of the segment or segments must
26 be reduced as provided in section 17852,
27 subsection 3, paragraphs A and B; or

28 (b) Had fewer than 10 years of creditable service
29 on July 1, 1993, the amount of the segment or
30 segments must be reduced as provided in section
31 17852, subsection 3-A; and

32
33 (2) The segment that reflects creditable service
34 earned after June 30, 1998 for employees identified in
35 subsection 1, paragraphs C to H and; after December 31,
36 1999 for employees identified in subsection 1,
37 paragraphs I to K; before January 1, 2002 for employees
38 identified in subsection 1, paragraph L; and before
39 July 1, 2002 for employees identified in subsection 1,
40 paragraph M or purchased by repayment of an earlier
41 refund of accumulated contributions for service after
42 June 30, 1998 for employees identified in subsection 1,
43 paragraphs C to H and; after December 31, 1999 for
44 employees identified in subsection 1, paragraphs I to
45 K; before January 1, 2002 for employees identified in
46 subsection 1, paragraph L; and before July 1, 2002 for
47 employees identified in subsection 1, paragraph M in
48 any one or a combination of the capacities specified in
49 subsection 1, or purchased by other than the repayment
50 of a refund and eligibility to make the purchase of the

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2 service credit, including, but not limited to, service
3 credit for military service, was achieved after June
4 30, 1998 for employees identified in subsection 1,
5 paragraphs C to H and; after December 31, 1999 for
6 employees identified in subsection 1, paragraphs I to
7 K; before January 1, 2002 for employees identified in
8 subsection 1, paragraph L; and before July 1, 2002 for
9 employees identified in subsection 1, paragraph M, must
10 be computed under section 17852, subsection 1,
11 paragraph A. If the member is qualified under
12 subsection 2, paragraph B and:

13 (a) Had 10 years of creditable service on July 1,
14 1993, the segment amount must be reduced in the
15 manner provided in section 17852, subsection 3,
16 paragraphs A and B for each year that the member's
17 age precedes 55 years of age; or

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

22
23 **Sec. 11. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c.
24 409, §6, is further amended to read:

25
26 **5. Contributions.** Notwithstanding any other provision of
27 subchapter III, after June 30, 1998 for employees identified in
28 subsection 1, paragraphs A to H; after December 31, 1999 for
29 employees identified in subsection 1, paragraphs I to K and;
30 after December 31, 2001 for employees identified in subsection 1,
31 paragraph L; and after June 30, 2002 for employees identified in
32 subsection 1, paragraph M, a member in the capacities specified
33 in subsection 1 must contribute to the retirement system or have
34 pick-up contributions made at the rate of 8.65% of earnable
35 compensation until the member has completed 25 years of
36 creditable service as provided in this section and at the rate of
37 7.65% thereafter.

38
39 **Sec. 12. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c.
40 439, Pt. GGGG, §10 and affected by §18, is further amended to
41 read:

42
43 **5. Contributions.** Notwithstanding any other provision of
44 subchapter III, after June 30, 1998 for employees identified in
45 subsection 1, paragraphs C to H; after December 31, 1999 for
46 employees identified in subsection 1, paragraphs I to K and;
47 after December 31, 2001 for employees identified in subsection 1,
48 paragraph L; and after June 30, 2002 for employees identified in
49 subsection 1, paragraph M, a member in the capacities specified

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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. 13. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Capitol Security - Bureau of

Initiative: Provides funds for the additional cost of increasing the normal cost component associated with providing retirement coverage to capitol security officers under the 1998 Special Plan effective July 1, 2002.

General Fund	2001-02	2002-03
Personal Services	\$0	\$1,379'

Further amend the bill by inserting after section 14 the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 2002.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

2002-03

APPROPRIATIONS/ALLOCATIONS

General Fund	\$1,379
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REVENUES

General Fund	\$1,379
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This bill provides retirement to capitol security officers employed by the Bureau of Capitol Security within the Department of Public Safety under the 1998 Special Plan effective July 1,

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2002. Because only service earned after July 1, 2002 is to be considered as special plan service, this bill does not create an increase in liabilities that would have to be funded immediately. This bill does result in an increase in the employer retirement rate for this group of members of .85%, from 6.04% to 6.89%, resulting in an increase in the cost of the normal cost component of \$1,379 in fiscal year 2002-03.'

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SUMMARY

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This amendment provides retirement coverage for capital security officers under the 1998 Special Plan effective July 1, 2002. The amendment also makes technical corrections in the bill. The amendment also adds an emergency preamble, emergency clause and a fiscal note to the bill.