

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2028

H.P. 1524

House of Representatives, December 26, 2001

An Act to Provide Retirement Equity for Capital Security Officers.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COLWELL of Gardiner.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: BERRY of Livermore, CARR of Lincoln, DAVIS of Falmouth,
GERZOFSKY of Brunswick, HUTTON of Bowdoinham, MATTHEWS of Winslow,
SNOWE-MELLO of Poland, Senator: DAVIS of Piscataquis.

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

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Sec. 1. 5 MRSA §17851-A, sub-§1, ¶L, as enacted by PL 2001, c. 409, §2, is amended to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or are hired thereafter; and

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

M. Capital security officers in the employment of the Department of Public Safety, Bureau of Capital Security on January 1, 2002 or hired thereafter.

Sec. 3. 5 MRSA §17851-A, sub-§2, as amended by PL 2001, c. 409, §3, is further amended by amending the first paragraph 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, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any employee identified in subsection 1, paragraph L or M, qualifies for a service retirement benefit if that member either:

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 amending the first paragraph 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 C to H, after December 31, 1999 for employees identified in subsection 1, paragraphs I to K, and any employee identified in subsection 1, paragraph L or M, qualifies for a service retirement benefit if that member either:

Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A, as amended by PL 2001, c. 409, §4, is further amended to read:

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

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent

2 that time to which the refund relates was served after
3 June 30, 1998 for employees identified in subsection 1,
4 paragraphs A to H and after December 31, 1999 for
5 employees identified in subsection 1, paragraphs I to
6 K, in any one or a combination of the capacities
7 specified in subsection 1. Service credit may be
8 purchased for service by an employee identified in
9 subsection 1, paragraph L or M regardless of when
10 performed; and

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

14 **Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 2001, c.
15 439, Pt. GGGG, §7 and affected by §18, is further amended to read:

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

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

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

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

35 A. If all of the member's creditable service in any one or
36 a combination of the capacities specified in subsection 1
37 was earned after June 30, 1998 for employees identified in
38 subsection 1, paragraphs A to H; after December 31, 1999 for
39 employees identified in subsection 1, paragraphs I to K; and
40 after December 31, 2001 for employees identified in
41 subsection 1, paragraph L or M; if service credit was
42 purchased by repayment of an earlier refund of accumulated
43 contributions for service in any one or a combination of the
44 capacities specified in subsection 1 after June 30, 1998 for
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2 employees identified in subsection 1, paragraphs A to H;
after December 31, 1999 for employees identified in
4 subsection 1, paragraphs I to K; and after December 31, 2001
for employees identified in subsection 1, paragraph L or M;
6 or if service credit was purchased by other than the
repayment of an earlier refund and eligibility to make the
8 purchase of the service credit, including, but not limited
to, service credit for military service, was achieved after
10 June 30, 1998 for employees identified in subsection 1,
paragraphs A to H; after December 31, 1999 for employees
12 identified in subsection 1, paragraphs I to K; after
December 31, 2001 for employees identified in subsection 1,
14 paragraph L or M, the benefit must be computed as provided
in section 17852, subsection 1, paragraph A.

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

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

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

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 C to H and; after December 31, 1999
for employees identified in subsection 1, paragraphs I to K;
36 and after December 31, 2001 for employees identified in
subsection 1, paragraph L or M or if service credit was
38 purchased by repayment of an earlier refund of accumulated
contributions for service after June 30, 1998 for employees
40 identified in subsection 1, paragraphs C to H and; after
December 31, 1999 for employees identified in subsection 1,
42 paragraphs I to K; and after December 31, 2001 for employees
identified in subsection 1, paragraph L or M, in any one or
44 a combination of the capacities specified in subsection 1,
or if service credit was purchased by other than the
46 repayment of an earlier refund and eligibility to make the
purchase of the service credit, including but not limited to
48 service credit for military service, was achieved after June
30, 1998 for employees identified in subsection 1,
50 paragraphs C to H and; after December 31, 1999 for employees
identified in subsection 1, paragraphs I to K; and after

2 December 31, 2001 for employees identified in subsection 1,
3 paragraph L or M, the benefit must be computed as provided
4 in section 17852, subsection 1. If the member had 10 years
5 of creditable service on July 1, 1993, the benefit must be
6 reduced as provided in section 17852, subsection 3,
7 paragraphs A and B, and if the member had fewer than 10
8 years of creditable service on July 1, 1993, the benefit
9 must be reduced by 6% for each year that the member's age
10 precedes age 55.

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

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

31
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 or M or purchased by repayment of an
42 earlier refund of accumulated contributions for service
43 before July 1, 1998, for employees identified in
44 subsection 1, paragraphs A to H, before January 1, 2000
45 for employees identified in subsection 1, paragraphs I
46 to K and before January 1, 2002 for employees
47 identified in subsection 1, paragraph L or M in a
48 capacity or capacities specified in subsection 1 or
49 purchased by other than the repayment of a refund and
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2 eligibility to make the purchase of the service credit,
3 including, but not limited to, service credit for
4 military service, was achieved before July 1, 1998 for
5 employees identified in subsection 1, paragraphs A to
6 H, before January 1, 2000 for employees identified in
7 subsection 1, paragraphs I to K and before January 1,
8 2002 for employees identified in subsection 1,
9 paragraph L or M, must be computed under section 17852,
10 subsection 1, paragraph A. If the member is qualified
under subsection 2, paragraph B and:

12 (a) Had 10 years of creditable service on July 1,
13 1993, the amount of the segment or segments must
14 be reduced as provided in section 17852,
15 subsection 3, paragraphs A and B; or

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

22 (2) The segment that reflects creditable service
23 earned after June 30, 1998 for employees identified in
24 subsection 1, paragraphs A to H, after December 31,
25 1999 for employees identified in subsection 1,
26 paragraphs I to K and after December 31, 2001 for
27 employees identified in subsection 1, paragraph L or M
28 or purchased by repayment of an earlier refund of
29 accumulated contributions for service after June 30,
30 1998 for employees identified in subsection 1,
31 paragraphs A to H, after December 31, 1999 for
32 employees identified in subsection 1, paragraphs I to K
33 and after December 31, 2001 for employees identified in
34 subsection 1, paragraph L or M in any one or a
35 combination of the capacities specified in subsection
36 1, or purchased by other than the repayment of a refund
37 and eligibility to make the purchase of the service
38 credit, including, but not limited to, service credit
39 for military service, was achieved after June 30, 1998
40 for employees identified in subsection 1, paragraphs A
41 to H, after December 31, 1999 for employees identified
42 in subsection 1, paragraphs I to K and after December
43 31, 2001 for employees identified in subsection 1,
44 paragraph L or M must be computed under section 17852,
45 subsection 1, paragraph A. If the member is qualified
46 under subsection 2, paragraph B and:

48 (a) Had 10 years of creditable service on July 1,
49 1993, the segment amount must be reduced in the
50 manner provided in section 17852, subsection 3,

2 paragraphs A and B for each year that the member's
age precedes 55 years of age; or

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

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

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

30 (1) The segment or, if the member served in more than
32 one of the capacities specified in subsection 1 and the
benefits related to the capacities are not
34 interchangeable under section 17856, segments that
reflect creditable service earned before July 1, 1998
36 for employees identified in subsection 1, paragraphs C
to H and; before January 1, 2000 for employees
38 identified in subsection 1, paragraphs I to K; and
before January 1, 2002 for employees specified in
subsection 1, paragraph L or M or purchased by
40 repayment of an earlier refund of accumulated
contributions for service before July 1, 1998 for
42 employees identified in subsection 1, paragraphs C to H
and; before January 1, 2000 for employees identified in
44 subsection 1, paragraphs I to K; and before January 1,
2002 for employees specified in subsection 1, paragraph
46 L or M in a capacity or capacities specified in
subsection 1, or purchased by other than the repayment
48 of a refund and eligibility to make the purchase of the
service credit, including, but not limited to, service
50 credit for military service, was achieved before July
1, 1998 for employees identified in subsection 1,
52 paragraphs C to H and; before January 1, 2000 for

2 employees identified in subsection 1, paragraphs I to
3 K; and before January 1, 2002 for employees identified
4 in subsection 1, paragraph L or M, must be computed
5 under section 17852, subsection 1, paragraph A. If the
6 member is qualified under subsection 2, paragraph B and:

7 (a) Had 10 years of creditable service on July 1,
8 1993, the amount of the segment or segments must
9 be reduced as provided in section 17852,
10 subsection 3, paragraphs A and B; or

11 (b) Had fewer than 10 years of creditable service
12 on July 1, 1993, the amount of the segment or
13 segments must be reduced as provided in section
14 17852, subsection 3-A; and

15 (2) The segment that reflects creditable service
16 earned after June 30, 1998 for employees identified in
17 subsection 1, paragraphs C to H and; after December 31,
18 1999 for employees identified in subsection 1,
19 paragraphs I to K; and before January 1, 2002 for
20 employees identified in subsection 1, paragraph L or M
21 or purchased by repayment of an earlier refund of
22 accumulated contributions for service after June 30,
23 1998 for employees identified in subsection 1,
24 paragraphs C to H and; after December 31, 1999 for
25 employees identified in subsection 1, paragraphs I to
26 K; and before January 1, 2002 for employees identified
27 in subsection 1, paragraph L or M in any one or a
28 combination of the capacities specified in subsection
29 1, or purchased by other than the repayment of a refund
30 and eligibility to make the purchase of the service
31 credit, including, but not limited to, service credit
32 for military service, was achieved after June 30, 1998
33 for employees identified in subsection 1, paragraphs C
34 to H and; after December 31, 1999 for employees
35 identified in subsection 1, paragraphs I to K; and
36 before January 1, 2002 for employees identified in
37 subsection 1, paragraph L or M, must be computed under
38 section 17852, subsection 1, paragraph A. If the
39 member is qualified under subsection 2, paragraph B and:

40 (a) Had 10 years of creditable service on July 1,
41 1993, the segment amount must be reduced in the
42 manner provided in section 17852, subsection 3,
43 paragraphs A and B for each year that the member's
44 age precedes 55 years of age; or

45 (b) Had fewer than 10 years of creditable service
46 on July 1, 1993, the segment amount must be

reduced by 6% for each year that the member's age precedes 55 years of age.

Sec. 11. 5 MRSA §17851-A, sub-§4, ¶E, as enacted by PL 2001, c. 409, §5, is amended to read:

E. The service retirement benefit of a member to whom subsection 1, paragraph L or M applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph L or M, regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

(1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or

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

Sec. 12. 5 MRSA §17851-A, sub-§5, as amended by PL 2001, c. 409, §6, 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, 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 or M, 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. 13. 5 MRSA §17851-A, sub-§5, as amended by PL 2001, c. 439, Pt. GGGG, §10 and affected by §18, 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 C 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 or M, a member in the capacities specified in

2 subsection 1 must contribute to the retirement system or have
pick-up contributions made at the rate of 8.65% of earnable
4 compensation until the member has completed 25 years of
creditable service as provided in this section and at the rate of
7.65% thereafter.

6
8 **Sec. 14. Time limit for switching retirement plans.** A capital
security officer in the employment of the Department of Public
Safety, Bureau of Capital Security on January 1, 2002 shall
10 decide within 90 days whether to transfer to the Maine State
Retirement System 1998 Special Plan established in the Maine
12 Revised Statutes, Title 5, section 17851-A or to remain in the
retirement plan to which that employee has been contributing. An
14 employee who fails to make a choice within the 90 days must
remain in that employee's plan and is prohibited from
16 transferring at a later date to the 1998 Special Plan.

18
20 **SUMMARY**

22 This bill includes capital security officers in the Maine
State Retirement System 1998 Special Plan beginning January 1,
2002. A capital security officer eligible to transfer to the
24 1998 Special Plan who has been contributing to another retirement
plan is required to decide whether to transfer within 90 days of
26 the effective date of eligibility in the 1998 Special Plan.