

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1315

H.P. 969

House of Representatives, March 11, 2003

**An Act To Change the Retirement Eligibility Qualifications for
Certain Military Firefighters and Police Officers**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHETTE of Bangor.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: DUPLESSIE of Westbrook, HATCH of Skowhegan, NORTON of Bangor,
PATRICK of Rumford, SMITH of Van Buren.

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

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

6 H-1. Firefighter supervisors, firefighter chief and
8 security police officers in the employment of the Department
10 of Defense, Veterans and Emergency Management on July 1,
12 2003, or hired thereafter, provided the employee elects at
14 the time of employment to participate and provided the
16 Federal Government pays annually to the retirement system
18 the full employer cost of the participation of these
20 employees;

22 **Sec. 2. 5 MRSA §17851-A, sub-§4, ¶A**, as amended by PL 2001, c.
24 559, Pt. RR, §8 and as affected by §17, is further amended to
26 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
32 was earned after June 30, 1998 and before September 1, 2002
34 for employees identified in subsection 1, paragraphs A and
36 B; after June 30, 1998 for employees identified in
38 subsection 1, paragraphs C to H; after June 30, 2003 for
40 employees identified in paragraph H-1; after December 31,
42 1999 for employees identified in subsection 1, paragraphs I
44 to K; and after December 31, 2001 for employees identified
46 in subsection 1, paragraph L; if service credit was
48 purchased by repayment of an earlier refund of accumulated
50 contributions for service in any one or a combination of the
 capacities specified in subsection 1 after June 30, 1998 and
 before September 1, 2002 for employees identified in
 subsection 1, paragraphs A and B; after June 30, 1998 for
 employees identified in subsection 1, paragraphs C to H;
 after June 30, 2003 for employees identified in paragraph
 H-1; 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 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 and before September 1, 2002 for employees identified
 in subsection 1, paragraphs A and B; after June 30, 1998 for
 employees identified in subsection 1, paragraphs C to H;
 after June 30, 2003 for employees identified in paragraph
 H-1; 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.

2 (1) If the member had 10 years of creditable service
4 on July 1, 1993, the benefit under subsection 2,
paragraph B must be reduced as provided in section
6 17852, subsection 3, paragraphs A and B.

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

14 **Sec. 3. 5 MRSA §17851-A, sub-§4, ¶A**, as amended by PL 2001, c.
646, §7, is further amended to read:

16 A. If all of the member's creditable service in any one or
18 a combination of the capacities specified in subsection 1
was earned after June 30, 1998 for employees identified in
20 subsection 1, paragraphs A to H; after June 30, 2003 for
employees identified in paragraph H-1; after December 31,
22 1999 for employees identified in subsection 1, paragraphs I
to K; after December 31, 2001 for employees identified in
24 subsection 1, paragraph L; and after June 30, 2002 for
employees identified in subsection 1, paragraph M; if
26 service credit was purchased by repayment of an earlier
refund of accumulated contributions for service in any one
28 or a combination of the capacities specified in subsection 1
after June 30, 1998 for employees identified in subsection
30 1, paragraphs A to H; after June 30, 2003 for employees
identified in paragraph H-1; after December 31, 1999 for
employees identified in subsection 1, paragraphs I to K;
32 after December 31, 2001 for employees identified in
subsection 1, paragraph L; and after June 30, 2002 for
34 employees identified in subsection 1, paragraph M; or if
service credit was purchased by other than the repayment of
36 an earlier refund and eligibility to make the purchase of
the service credit, including, but not limited to, service
38 credit for military service, was achieved after June 30,
1998 for employees identified in subsection 1, paragraphs A
40 to H; after June 30, 2003 for employees identified in
paragraph H-1; after December 31, 1999 for employees
42 identified in subsection 1, paragraphs I to K; 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, the benefit must be
46 computed as provided in section 17852, subsection 1,
paragraph A.

48 (1) If the member had 10 years of creditable service
50 on July 1, 1993, the benefit under subsection 2,

2 paragraph B must be reduced as provided in section
17852, subsection 3, paragraphs A and B.

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

10 **Sec. 4. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2001, c.
12 559, Pt. RR, §8 and as affected by §17, is further amended to
read:

14 B. Except as provided in paragraphs D and E, if some part
16 of the member's creditable service in any one or a
combination of the capacities specified in subsection 1 was
18 earned before July 1, 1998 for employees identified in
subsection 1, paragraphs A to H, before July 1, 2003 for
20 employees identified in paragraph H-1; before January 1,
2000 for employees identified in subsection 1, paragraphs I
22 to K and before January 1, 2002 for employees identified in
subsection 1, paragraph L and some part of the member's
24 creditable service in any one or a combination of the
capacities specified in subsection 1 was earned after June
26 30, 1998 and before September 1, 2002 for employees
identified in subsection 1, paragraphs A and B, after June
28 30, 1998 for employees identified in subsection 1,
paragraphs C to H, after June 30, 2003 for employees
30 identified in paragraph H-1; after December 31, 1999 for
employees identified in subsection 1, paragraphs I to K and
32 after December 31, 2001 for employees identified in
subsection 1, paragraph L then the member's service
34 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:

36 (1) The segment or, if the member served in more than
38 one of the capacities specified in subsection 1 and the
benefits related to the capacities are not
40 interchangeable under section 17856, segments that
reflect creditable service earned before July 1, 1998
42 for employees identified in subsection 1, paragraphs A
to H, before July 1, 2003 for employees identified in
44 paragraph H-1; before January 1, 2000 for employees
identified in subsection 1, paragraphs I to K and
46 before January 1, 2002 for employees identified in
subsection 1, paragraph L or purchased by repayment of
48 an earlier refund of accumulated contributions for
service before July 1, 1998, for employees identified
50 in subsection 1, paragraphs A to H, before July 1, 2003

2 for employees identified in paragraph H-1, before
3 January 1, 2000 for employees identified in subsection
4 1, paragraphs I to K and before January 1, 2002 for
5 employees identified in subsection 1, paragraph L in a
6 capacity or capacities specified in subsection 1 or
7 purchased by other than the repayment of a refund and
8 eligibility to make the purchase of the service credit,
9 including, but not limited to, service credit for
10 military service, was achieved before July 1, 1998 for
11 employees identified in subsection 1, paragraphs A to
12 H, before July 1, 2003 for employees identified in
13 paragraph H-1, before January 1, 2000 for employees
14 identified in subsection 1, paragraphs I to K and
15 before January 1, 2002 for employees identified in
16 subsection 1, paragraph L must be computed under
17 section 17852, subsection 1, paragraph A. If the
18 member is qualified under subsection 2, paragraph B and:

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

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

27 (2) The segment that reflects creditable service
28 earned after June 30, 1998 and before September 1, 2002
29 for employees identified in subsection 1, paragraphs A
30 and B, after June 30, 1998 for employees identified in
31 subsection 1, paragraphs C to H, after June 30, 2003
32 for employees identified in paragraph H-1, after
33 December 31, 1999 for employees identified in
34 subsection 1, paragraphs I to K and after December 31,
35 2001 for employees identified in subsection 1,
36 paragraph L or purchased by repayment of an earlier
37 refund of accumulated contributions for service after
38 June 30, 1998 and before September 1, 2002 for
39 employees identified in subsection 1, paragraphs A and
40 B, after June 30, 1998 for employees identified in
41 subsection 1, paragraphs C to H, after June 30, 2003
42 for employees identified in paragraph H-1, after
43 December 31, 1999 for employees identified in
44 subsection 1, paragraphs I to K and after December 31,
45 2001 for employees identified in subsection 1,
46 paragraph L in any one or a combination of the
47 capacities specified in subsection 1, or purchased by
48 other than the repayment of a refund and eligibility to
49
50

2 make the purchase of the service credit, including, but
3 not limited to, service credit for military service,
4 was achieved after June 30, 1998 and before September
5 1, 2002 for employees identified in subsection 1,
6 paragraphs A and B, after June 30, 1998 for employees
7 identified in subsection 1, paragraphs C to H, after
8 June 30, 2003 for employees identified in paragraph
9 H-1, after December 31, 1999 for employees identified
10 in subsection 1, paragraphs I to K and after December
11 31, 2001 for employees identified in subsection 1,
12 paragraph L must be computed under section 17852,
13 subsection 1, paragraph A. If the member is qualified
14 under subsection 2, paragraph B and:

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

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

24
25 **Sec. 5. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2001, c.
26 646, §9, is further amended to read:

27
28 B. Except as provided in paragraphs D and E, if some part
29 of the member's creditable service in any one or a
30 combination of the capacities specified in subsection 1 was
31 earned before July 1, 1998 for employees identified in
32 subsection 1, paragraphs A to H; before July 1, 2003 for
33 employees identified in paragraph H-1; before January 1,
34 2000 for employees identified in subsection 1, paragraphs I
35 to K; before January 1, 2002 for employees identified in
36 subsection 1, paragraph L; and before July 1, 2002 for
37 employees identified in subsection 1, paragraph M and some
38 part of the member's creditable service in any one or a
39 combination of the capacities specified in subsection 1 was
40 earned after June 30, 1998 for employees identified in
41 subsection 1, paragraphs A to H; after June 30, 2003 for
42 employees identified in paragraph H-1; after December 31,
43 1999 for employees identified in subsection 1, paragraphs I
44 to K; after December 31, 2001 for employees identified in
45 subsection 1, paragraph L; and after June 30, 2002 for
46 employees identified in subsection 1, paragraph M, then the
47 member's service retirement benefit must be computed in
48 segments and the amount of the member's service retirement

benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before July 1, 2003 for employees identified in paragraph H-1; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before July 1, 2003 for employees identified in paragraph H-1; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before July 1, 2003 for employees identified in paragraph H-1; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; and before July 1, 2002 for employees identified in subsection 1, paragraph M, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

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

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

2 (2) The segment that reflects creditable service
earned after June 30, 1998 for employees identified in
3 subsection 1, paragraphs A to H; after June 30, 2003
4 for employees identified in paragraph H-1; after
December 31, 1999 for employees identified in
5 subsection 1, paragraphs I to K; after December 31,
6 2001 for employees identified in subsection 1,
7 paragraph L; and after June 30, 2002 for employees
8 identified in subsection 1, paragraph M or purchased by
9 repayment of an earlier refund of accumulated
10 contributions for service after June 30, 1998 for
11 employees identified in subsection 1, paragraphs A to
12 H; after June 30, 2003 for employees identified in
13 paragraph H-1; after December 31, 1999 for employees
14 identified in subsection 1, paragraphs I to K; after
15 December 31, 2001 for employees identified in
16 subsection 1, paragraph L; and after June 30, 2002 for
17 employees identified in subsection 1, paragraph M in
18 any one or a combination of the capacities specified in
19 subsection 1, or purchased by other than the repayment
20 of a refund and eligibility to make the purchase of the
21 service credit, including, but not limited to, service
22 credit for military service, was achieved after June
23 30, 1998 for employees identified in subsection 1,
24 paragraphs A to H; after June 30, 2003 for employees
25 identified in paragraph H-1; after December 31, 1999
26 for employees identified in subsection 1, paragraphs I
27 to K; after December 31, 2001 for employees identified
28 in subsection 1, paragraph L; and after June 30, 2002
29 for employees identified in subsection 1, paragraph M
30 must be computed under section 17852, subsection 1,
31 paragraph A. If the member is qualified under
32 subsection 2, paragraph B and:

34 (a) Had 10 years of creditable service on July 1,
35 1993, the segment amount must be reduced in the
36 manner provided in section 17852, subsection 3,
37 paragraphs A and B for each year that the member's
38 age precedes 55 years of age; or

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

43 **Sec. 6. 5 MRSA §17851-A, sub-§5**, as amended by PL 2001, c.
44 559, Pt. RR, §9 and as affected by §17, is further amended to
45 read:

2 **5. Contributions.** Notwithstanding any other provision of
3 subchapter III 3, after June 30, 1998 and before September 1,
4 2002 for employees identified in subsection 1, paragraphs A and
5 B, after June 30, 1998 for employees identified in subsection 1,
6 paragraphs C to H, after June 30, 2003 for employees identified
7 in paragraph H-1, after December 31, 1999 for employees
8 identified in subsection 1, paragraphs I to K and after December
9 31, 2001 for employees identified in subsection 1, paragraph L, a
10 member in the capacities specified in subsection 1 must
11 contribute to the retirement system or have pick-up contributions
12 made at the rate of 8.65% of earnable compensation until the
13 member has completed 25 years of creditable service as provided
14 in this section and at the rate of 7.65% thereafter.

15 **Sec. 7. 5 MRSA §17851-A, sub-§5,** as amended by PL 2001, c.
16 646, §11, is further amended to read:

17 **5. Contributions.** Notwithstanding any other provision of
18 subchapter III 3, after June 30, 1998 for employees identified in
19 subsection 1, paragraphs A to H; after June 30, 2003 for
20 employees identified in paragraph H-1; after December 31, 1999
21 for employees identified in subsection 1, paragraphs I to K;
22 after December 31, 2001 for employees identified in subsection 1,
23 paragraph L; and after June 30, 2002 for employees identified in
24 subsection 1, paragraph M, a member in the capacities specified
25 in subsection 1 must contribute to the retirement system or have
26 pick-up contributions made at the rate of 8.65% of earnable
27 compensation until the member has completed 25 years of
28 creditable service as provided in this section and at the rate of
29 7.65% thereafter.

30 **Sec. 8. Transition.** Notwithstanding the Maine Revised
31 Statutes, Title 5, section 17851-A, subsection 1, paragraph H-1,
32 a person hired by the Department of Defense, Veterans and
33 Emergency Management prior to the effective date of this Act may
34 elect to participate in the Special Plan, provided the election
35 is made not later than 180 days after the effective date of this
36 Act.
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SUMMARY

43 This bill allows certain military firefighters and police
44 officers to elect to participate in the 1998 Special Plan. Under
45 that plan, a person may retire at 55 years of age with 10 years
46 of creditable service, or may retire before 55 years of age with
25 years of creditable service and a reduced benefit.