

# MAINE STATE LEGISLATURE

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*m*  
R.O.S.

L.D. 748

2 DATE: 4.1.05

(Filing No. S-68)

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**LABOR**

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**STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT **A** to S.P. 246, L.D. 748, Bill, "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service"

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Amend the bill by striking out the title and substituting the following:

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**'Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers'**

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Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

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38

**Whereas, the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers is established to address problems of inconsistency in retirement benefits and the need for earlier retirement for corrections officers and mental health workers; and**

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**Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and**

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48

**COMMITTEE AMENDMENT**

R.C.

2       **Whereas**, in the judgment of the Legislature, these facts  
3 create an emergency within the meaning of the Constitution of  
4 Maine and require the following legislation as immediately  
5 necessary for the preservation of the public peace, health and  
6 safety; now, therefore, be it

8       **Sec. 1. Commission established. Resolved:** That the Commission  
9 to Study Eliminating the Normal Retirement Age for Corrections  
10 Officers and Mental Health Workers, referred to in this resolve  
11 as "the commission," is established; and be it further

12       **Sec. 2. Commission membership. Resolved:** That the commission  
13 consists of 9 members appointed as follows:

14           1. Two members of the Senate, appointed by the President of  
15 the Senate;

18           2. Three members of the House of Representatives, appointed  
19 by the Speaker of the House;

20           3. One member representing corrections officers, appointed  
21 by the President of the Senate;

24           4. One member representing employers of mental health  
25 workers, appointed by the President of the Senate;

26           5. One member representing employers of corrections  
27 officers, appointed by the Speaker of the House; and

30           6. One member representing mental health workers, appointed  
31 by the Speaker of the House; and be it further

32       **Sec. 3. Chairs. Resolved:** That the first-named Senate member  
33 is the Senate chair of the commission and the first-named House  
34 of Representatives member is the House chair of the commission;  
35 and be it further

38       **Sec. 4. Appointments; convening of commission. Resolved:** That  
39 all appointments must be made no later than 30 days following the  
40 effective date of this resolve. The appointing authorities shall  
41 notify the Executive Director of the Legislative Council once all  
42 appointments have been completed. Within 15 days after  
43 appointment of all members, the chairs shall call and convene the  
44 first meeting of the commission, which must be no later than  
45 August 15, 2005; and be it further

46       **Sec. 5. Duties. Resolved:** That the commission may hold up to 4  
47 meetings and shall study the following issues:

R. of S.

2 1. Whether corrections officers and mental health workers  
should have uniform retirement benefits;

4  
6 2. Whether corrections officers and mental health workers,  
regardless of their age, should be eligible to retire after 25  
years of service without a reduction in benefits;

8  
10 3. Which job classifications should be included in this  
retirement plan, if the plan is recommended by the commission; and

12 4. Possible ways of funding this retirement plan, if the  
plan is recommended by the commission; and be it further

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16 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council  
shall provide necessary staffing services to the commission; and  
be it further

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20 **Sec. 7. Compensation. Resolved:** That the legislative members  
of the commission are entitled to receive the legislative per  
diem, as defined in the Maine Revised Statutes, Title 3, section  
22 2, and reimbursement for travel and other necessary expenses  
related to their attendance at authorized meetings of the  
24 commission. Public members not otherwise compensated by their  
employers or other entities that they represent are entitled to  
26 receive reimbursement of necessary expenses and, upon a  
demonstration of financial hardship, a per diem equal to the  
28 legislative per diem for their attendance at authorized meetings  
of the commission; and be it further

30  
32 **Sec. 8. Report. Resolved:** That, no later than December 15,  
2005, the commission shall submit a report that includes its  
findings and recommendations, including suggested legislation,  
34 for presentation to the Joint Standing Committee on Labor. The  
commission is authorized to introduce legislation related to its  
36 report to the Second Regular Session of the 122nd Legislature at  
the time of submission of its report; and be it further

38  
40 **Sec. 9. Extension. Resolved:** That, if the commission requires  
a limited extension of time to complete its study and make its  
report, it may apply to the Legislative Council, which may grant  
42 an extension; and be it further

44 **Sec. 10. Commission budget. Resolved:** That the chairs of the  
commission, with assistance from the commission staff, shall  
46 administer the commission's budget. Within 10 days after its  
first meeting, the commission shall present a work plan and  
48 proposed budget to the Legislative Council for its approval. The  
commission may not incur expenses that would result in the  
50 commission's exceeding its approved budget. Upon request from

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COMMITTEE AMENDMENT "A" to S.P. 246, L.D. 748

2 the commission, the Executive Director of the Legislative Council  
3 shall promptly provide the commission chairs and staff with a  
4 status report on the commission budget, expenditures incurred and  
5 paid and available funds.

6 **Emergency clause.** In view of the emergency cited in the  
7 preamble, this resolve takes effect when approved.'

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9  
10 **SUMMARY**

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12 This resolve creates the Commission to Study Eliminating the  
13 Normal Retirement Age for Corrections Officers and Mental Health  
14 Workers for the purpose of studying whether corrections officers  
15 and mental health workers should uniformly be eligible to retire  
16 after 25 years of service without a reduction in benefits  
17 regardless of their age. Membership of the commission includes  
18 representatives of corrections officers and mental health workers  
19 and 5 Legislators. The commission is authorized to submit  
20 legislation to the Second Regular Session of the 122nd  
21 Legislature by December 15, 2005.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 748

LR 0129(02)

## An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service

Fiscal Note for Bill as Amended by Committee Amendment **A**

Committee: Labor

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium cost increase - General Fund

Current Costs - Legislative Study

#### Legislative Study

The projected costs to fund the general operating expenses of the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers is \$2,900 in fiscal year 2005-06. The Legislature's proposed Part I budget includes \$30,000 in fiscal year 2005-06 and \$20,000 in fiscal year 2006-07 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Additional costs to the Maine State Retirement System associated with serving on the Commission can be absorbed utilizing existing budgeted resources. If, during the course of the Commission's work, the services of the System's actuary is needed, there will be additional costs to the Retirement System associated with the actuarial fees. The amount, and the ability of the Retirement System to absorb those costs without a General Fund appropriation, can not be determined at this time.