

MAINE STATE LEGISLATURE

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2018

L.D. 748

DATE: 1-10-06

(Filing No. S-432)

LABOR

Reported by:

REPORT 'A'

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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"

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

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

Further amend the bill by striking out everything after the title and inserting in its place the following:

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

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

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 Legislature; 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, be it

COMMITTEE AMENDMENT

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

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

8 1. Two members of the Senate, appointed by the President of
9 the Senate;

10 2. Three members of the House of Representatives, appointed
11 by the Speaker of the House;

12 3. One member representing corrections officers, appointed
13 by the President of the Senate;

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

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

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

20 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
21 is the Senate chair of the commission and the first-named House
22 of Representatives member is the House chair of the commission;
23 and be it further

24 **Sec. 4. Appointments; convening of commission. Resolved:** That
25 all appointments must be made no later than 30 days following the
26 effective date of this resolve. The appointing authorities shall
27 notify the Executive Director of the Legislative Council once all
28 appointments have been completed. Within 15 days after
29 appointment of all members, the chairs shall call and convene the
30 first meeting of the commission, which must be no later than July
31 15, 2006; and be it further

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

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

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

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

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

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

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

24 **Sec. 8. Report. Resolved:** That, no later than November 1,
2006, the commission shall submit a report that includes its
26 findings and recommendations, including suggested legislation,
for presentation to the joint standing committee of the
28 Legislature having jurisdiction over labor matters and the
Legislative Council. The commission is authorized to introduce
30 legislation related to its report to the First Regular Session of
the 123rd Legislature at the time of submission of its report;
32 and be it further

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

38 **Sec. 10. Commission budget. Resolved:** That the chairs of the
40 commission, with assistance from the commission staff, shall
administer the commission's budget. Within 10 days after its
42 first meeting, the commission shall present a work plan and
proposed budget to the Legislative Council for its approval. The
44 commission may not incur expenses that would result in the
commission's exceeding its approved budget. Upon request from
46 the commission, the Executive Director of the Legislative Council
shall promptly provide the commission chairs and staff with a
48 status report on the commission budget, expenditures incurred and
paid and available funds.

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122nd MAINE LEGISLATURE

LD 748

LR 0129(06)

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 "B"

Committee: Labor

Fiscal Note Required: Yes

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 2006-07. The Legislature's budget for legislative studies is \$20,000 for fiscal year 2006-07. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

If, during the course of the Commission's work, the services of the Maine State Retirement 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.