

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1269

S.P. 449

In Senate, March 15, 2005

**An Act To Change the Retirement Eligibility Requirements for  
Investigators in the Office of the Attorney General and the  
Department of the Secretary of State**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.  
Cosponsored by Representative FARRINGTON of Gorham and  
Senators: STRIMLING of Cumberland, SULLIVAN of York, Representatives: BARSTOW of  
Gorham, DRISCOLL of Westbrook, FISHER of Brewer, MARLEY of Portland.

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

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

4           K-1. Investigators in the employment of the Office of the  
6           Attorney General or Department of the Secretary of State on  
8           July 1, 2005, or hired thereafter;

10          **Sec. 2. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced  
12          by PL 2003, c. 510, Pt. D, §3 and affected by §§6 and 7, is  
14          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  
20           was earned after June 30, 1998 and before September 1, 2002  
22           for employees identified in subsection 1, paragraphs A and  
24           B; after June 30, 1998 for employees identified in  
26           subsection 1, paragraphs C to H; after December 31, 1999 for  
28           employees identified in subsection 1, paragraphs I to K;  
30           after June 30, 2005 for employees identified in subsection  
32           1, paragraph K-1; after December 31, 2001 for employees  
34           identified in subsection 1, paragraph L; and after June 30,  
36           2002 for employees identified in subsection 1, paragraph M;  
38           if service credit was purchased by repayment of an earlier  
40           refund of accumulated contributions for service in any one  
42           or a combination of the capacities specified in subsection 1  
44           after June 30, 1998 and before September 1, 2002 for  
46           employees identified in subsection 1, paragraphs A and B;  
48           after June 30, 1998 for employees identified in subsection  
50           1, paragraphs C to H; after December 31, 1999 for employees  
            identified in subsection 1, paragraphs I to K; after June  
            30, 2005 for employees identified in subsection 1, paragraph  
            K-1; after December 31, 2001 for employees identified in  
            subsection 1, paragraph L; and after June 30, 2002 for  
            employees identified in subsection 1, paragraph M; 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 December 31, 1999 for employees identified in  
            subsection 1, paragraphs I to K; after June 30, 2005 for  
            employees identified in subsection 1, paragraph K-1; after  
            December 31, 2001 for employees identified in subsection 1,  
            paragraph L; and after June 30, 2002 for employees  
            identified in subsection 1, paragraph M, 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  
3 on July 1, 1993, the benefit under subsection 2,  
4 paragraph B must be reduced as provided in section  
5 17852, subsection 3, paragraphs A and B.

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

12 **Sec. 3. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced  
13 by PL 2003, c. 510, Pt. D, §4 and affected by §§6 and 7, is  
14 amended to read:

15  
16 B. Except as provided in paragraphs D and E, if some part  
17 of the member's creditable service in any one or a  
18 combination of the capacities specified in subsection 1 was  
19 earned before July 1, 1998 for employees identified in  
20 subsection 1, paragraphs A to H; before January 1, 2000 for  
21 employees identified in subsection 1, paragraphs I to K;  
22 before July 1, 2005 for employees identified in subsection  
23 1, paragraph K-1; before January 1, 2002 for employees  
24 identified in subsection 1, paragraph L; and before July 1,  
25 2002 for employees identified in subsection 1, paragraph M  
26 and some part of the member's creditable service in any one  
27 or a combination of the capacities specified in subsection 1  
28 was earned after June 30, 1998 and before September 1, 2002  
29 for employees identified in subsection 1, paragraphs A and  
30 B; after June 30, 1998 for employees identified in  
31 subsection 1, paragraphs C to H; after December 31, 1999 for  
32 employees identified in subsection 1, paragraphs I to K;  
33 after June 30, 2005 for employees identified in subsection  
34 1, paragraph K-1; after December 31, 2001 for employees  
35 identified in subsection 1, paragraph L; and after June 30,  
36 2002 for employees identified in subsection 1, paragraph M,  
37 then the member's service retirement benefit must be  
38 computed in segments and the amount of the member's service  
39 retirement benefit is the sum of the segments. The segments  
40 must be computed as follows:

41  
42 (1) The segment or, if the member served in more than  
43 one of the capacities specified in subsection 1 and the  
44 benefits related to the capacities are not  
45 interchangeable under section 17856, segments that  
46 reflect creditable service earned before July 1, 1998  
47 for employees identified in subsection 1, paragraphs A  
48 to H; before January 1, 2000 for employees identified  
49 in subsection 1, paragraphs I to K; before July 1, 2005  
50

2 for employees identified in subsection 1, paragraph  
3 K-1; before January 1, 2002 for employees identified in  
4 subsection 1, paragraph L; and before July 1, 2002 for  
5 employees identified in subsection 1, paragraph M or  
6 purchased by repayment of an earlier refund of  
7 accumulated contributions for service before July 1,  
8 1998, for employees identified in subsection 1,  
9 paragraphs A to H; before January 1, 2000 for employees  
10 identified in subsection 1, paragraphs I to K; before  
11 July 1, 2005 for employees identified in subsection 1,  
12 paragraph K-1; before January 1, 2002 for employees  
13 identified in subsection 1, paragraph L; and before  
14 July 1, 2002 for employees identified in subsection 1,  
15 paragraph M in a capacity or capacities specified in  
16 subsection 1 or purchased by other than the repayment  
17 of a refund and eligibility to make the purchase of the  
18 service credit, including, but not limited to, service  
19 credit for military service, was achieved before July  
20 1, 1998 for employees identified in subsection 1,  
21 paragraphs A to H; before January 1, 2000 for employees  
22 identified in subsection 1, paragraphs I to K; before  
23 July 1, 2005 for employees identified in subsection 1,  
24 paragraph K-1; before January 1, 2002 for employees  
25 identified in subsection 1, paragraph L; and before  
26 July 1, 2002 for employees identified in subsection 1,  
27 paragraph M, must be computed under section 17852,  
28 subsection 1, paragraph A. If the member is qualified  
29 under subsection 2, paragraph B and:

30 (a) Had 10 years of creditable service on July 1,  
31 1993, the amount of the segment or segments must  
32 be reduced as provided in section 17852,  
33 subsection 3, paragraphs A and B; or

34 (b) Had fewer than 10 years of creditable service  
35 on July 1, 1993, the amount of the segment or  
36 segments must be reduced as provided in section  
37 17852, subsection 3-A; and

38 (2) The segment that reflects creditable service  
39 earned after June 30, 1998 and before September 1, 2002  
40 for employees identified in subsection 1, paragraphs A  
41 and B; after June 30, 1998 for employees identified in  
42 subsection 1, paragraphs C to H; after December 31,  
43 1999 for employees identified in subsection 1,  
44 paragraphs I to K; after June 30, 2005 for employees  
45 identified in subsection 1, paragraph K-1; after  
46 December 31, 2001 for employees identified in  
47 subsection 1, paragraph L; and after June 30, 2002 for  
48 employees identified in subsection 1, paragraph M or  
49 employees identified in subsection 1, paragraph M or  
50 employees identified in subsection 1, paragraph M or

2 purchased by repayment of an earlier refund of  
4 accumulated contributions for service after June 30,  
6 1998 and before September 1, 2002 for employees  
8 identified in subsection 1, paragraphs A and B; after  
10 June 30, 1998 for employees identified in subsection 1,  
12 paragraphs C to H; after December 31, 1999 for  
14 employees identified in subsection 1, paragraphs I to  
16 K; after June 30, 2005 for employees identified in  
18 subsection 1, paragraph K-1; after December 31, 2001  
20 for employees identified in subsection 1, paragraph L;  
22 and after June 30, 2002 for employees identified in  
24 subsection 1, paragraph M in any one or a combination  
26 of the capacities specified in subsection 1, or  
28 purchased by other than the repayment of a refund and  
30 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 December 31, 1999 for employees identified  
in subsection 1, paragraphs I to K; after June 30, 2005  
for employees identified in subsection 1, paragraph  
K-1; after December 31, 2001 for employees identified  
in subsection 1, paragraph L; and after June 30, 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:

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

38 (b) Had fewer than 10 years of creditable service  
40 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.

42 **Sec. 4. 5 MRSA §17851-A. sub-§5**, as repealed and replaced by  
44 PL 2003, c. 510, Pt. D, §5 and affected by §§6 and 7, is amended  
to read:

46 **5. Contributions.** Notwithstanding any other provision of  
48 subchapter 3, after June 30, 1998 and before September 1, 2002  
50 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 December 31, 1999 for employees

2 identified in subsection 1, paragraphs I to K; after June 30,  
3 2005 for employees identified in subsection 1, paragraph K-1;  
4 after December 31, 2001 for employees identified in subsection 1,  
5 paragraph L; and after June 30, 2002 for employees identified in  
6 subsection 1, paragraph M, a member in the capacities specified  
7 in subsection 1 must contribute to the retirement system or have  
8 pick-up contributions made at the rate of 8.65% of earnable  
9 compensation until the member has completed 25 years of  
10 creditable service as provided in this section and at the rate of  
11 7.65% thereafter.

12 **Sec. 5. Transition.** Notwithstanding the Maine Revised  
13 Statutes, Title 5, section 17851-A, subsection 1, paragraph K-1,  
14 a person hired by the Office of the Attorney General or  
15 Department of the Secretary of State prior to the effective date  
16 of this Act may elect to participate in the 1998 Special Plan of  
17 the Maine State Retirement System, as long as the election is  
18 made not later than 180 days after the effective date of this Act.

20

## 21 SUMMARY

22

23 This bill allows investigators in the Office of the Attorney  
24 General or Department of the Secretary of State to elect to  
25 participate in the 1998 Special Plan of the Maine State  
26 Retirement System. Under that plan, a person may retire at 55  
27 years of age with 10 years of creditable service, or may retire  
28 before 55 years of age with 25 years of creditable service and a  
reduced benefit.