

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1806

H.P. 1246

House of Representatives, January 3, 2006

### **An Act To Clarify Maine State Retirement System Benefits for Certain Legislators**

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Submitted by the Maine State Retirement System pursuant to Joint Rule 204.  
Received by the Clerk of the House on December 28, 2005. 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 NORTON of Bangor.  
Cosponsored by Representatives: BLANCHETTE of Bangor, DAVIS of Augusta, FINCH of  
Fairfield, PARADIS of Frenchville, Senator: MITCHELL of Kennebec.

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

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**Sec. 1. 3 MRSA §801, sub-§1**, as amended by PL 2001, c. 657, §1 and PL 2003, c. 20, Pt. 00, §2 and affected by §4, is further amended to read:

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**1. Membership mandatory.** Every Legislator serving in the Legislature on or after December 3, 1986, is a member of the Maine Legislative Retirement System, except that any Legislator who is a member of the Maine State Retirement System on December 2, 1986, may continue to be a member of that system instead of becoming a member of the Maine Legislative Retirement System, and any Legislator who is a public school teacher or an employee of the Maine Community College System on leave of absence for the purpose of serving in the Legislature continues to be a member of the Maine State Retirement System and to have contributions deducted from the member's legislative earnable compensation as provided by Title 5, section 17701. A Legislator who ~~is the recipient of a retirement allowance from the Maine State Retirement System becomes a member of the Maine Legislative Retirement System, but no~~ terminates employment from a position requiring membership in the Maine State Retirement System is no longer a member of the Maine State Retirement System. The Legislator becomes a member of the Maine Legislative Retirement System, regardless of whether the Legislator becomes a benefit recipient under Title 5, section 17804. No creditable service granted under the Maine State Retirement System may be transferred to the Maine Legislative Retirement System. A member ceases to be a member when the member withdraws the member's contributions, becomes a beneficiary as a result of the member's own retirement or dies.

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**SUMMARY**

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This bill clarifies that a Legislator under certain circumstances is not required to terminate as a Legislator in order to draw a retirement benefit as a member of the Maine State Retirement System.