

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

---

Legislative Document

No. 1672

S.P. 577

March 22, 2007

### **An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers**

---

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 President EDMONDS of Cumberland.  
Cosponsored by Representative TUTTLE of Sanford and Senator: STRIMLING of  
Cumberland, Representative: WATSON of Bath.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶L**, as amended by PL 2001, c. 646, §1, is  
3 further amended to read:

4 L. Oil and hazardous materials emergency response workers in the employment of  
5 the Department of Environmental Protection, Division of Response Services who  
6 participate in a standby rotation on January 1, 2002 or are hired thereafter; ~~and~~

7 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶M**, as enacted by PL 2001, c. 646, §2, is  
8 amended to read:

9 M. Capital security officers in the employment of the Department of Public Safety,  
10 Bureau of Capital Security on July 1, 2002 or hired thereafter; ~~and~~

11 **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶N** is enacted to read:

12 N. Detectives in the employment of the Office of the Attorney General on July 1,  
13 2007 or hired thereafter.

14 **Sec. 4. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.  
15 510, Pt. D, §3 and as affected by §§6 and 7, is amended to read:

16 A. If all of the member's creditable service in any one or a combination of the  
17 capacities specified in subsection 1 was earned after June 30, 1998 and before  
18 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
19 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
20 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
21 December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after  
22 June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and after June~~  
23 30, 2007 for employees identified in subsection 1, paragraph N; if service credit was  
24 purchased by repayment of an earlier refund of accumulated contributions for service  
25 in any one or a combination of the capacities specified in subsection 1 after June 30,  
26 1998 and before September 1, 2002 for employees identified in subsection 1,  
27 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
28 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
29 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
30 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,  
31 paragraph M; ~~and after June 30, 2007 for employees identified in subsection 1,~~  
32 paragraph N; or if service credit was purchased by other than the repayment of an  
33 earlier refund and eligibility to make the purchase of the service credit, including, but  
34 not limited to, service credit for military service, was achieved after June 30, 1998  
35 and before September 1, 2002 for employees identified in subsection 1, paragraphs A  
36 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to  
37 H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
38 K; after December 31, 2001 for employees identified in subsection 1, paragraph L;  
39 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~  
40 after June 30, 2007 for employees identified in subsection 1, paragraph N, the benefit  
41 must be computed as provided in section 17852, subsection 1, paragraph A.

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

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

7 **Sec. 5. 5 MRSA §17851-A, sub-§4, ¶B,** as repealed and replaced by PL 2003, c.  
8 510, Pt. D, §4 and as affected by §§6 and 7, is amended to read:

9 B. Except as provided in paragraphs D and E, if some part of the member's  
10 creditable service in any one or a combination of the capacities specified in  
11 subsection 1 was earned before July 1, 1998 for employees identified in subsection 1,  
12 paragraphs A to H; before January 1, 2000 for employees identified in subsection 1,  
13 paragraphs I to K; before January 1, 2002 for employees identified in subsection 1,  
14 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,  
15 paragraph M; and before July 1, 2007 for employees identified in subsection 1,  
16 paragraph N and some part of the member's creditable service in any one or a  
17 combination of the capacities specified in subsection 1 was earned after June 30,  
18 1998 and before September 1, 2002 for employees identified in subsection 1,  
19 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
20 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
21 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
22 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,  
23 paragraph M; and after June 30, 2007 for employees identified in subsection 1,  
24 paragraph N, then the member's service retirement benefit must be computed in  
25 segments and the amount of the member's service retirement benefit is the sum of the  
26 segments. The segments must be computed as follows:

27 (1) The segment or, if the member served in more than one of the capacities  
28 specified in subsection 1 and the benefits related to the capacities are not  
29 interchangeable under section 17856, segments that reflect creditable service  
30 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
31 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
32 I to K; before January 1, 2002 for employees identified in subsection 1,  
33 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,  
34 paragraph M; and before July 1, 2007 for employees identified in subsection 1,  
35 paragraph N or purchased by repayment of an earlier refund of accumulated  
36 contributions for service before July 1, 1998, for employees identified in  
37 subsection 1, paragraphs A to H; before January 1, 2000 for employees identified  
38 in subsection 1, paragraphs I to K; before January 1, 2002 for employees  
39 identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees  
40 identified in subsection 1, paragraph M; and before July 1, 2007 for employees  
41 identified in subsection 1, paragraph N in a capacity or capacities specified in  
42 subsection 1 or purchased by other than the repayment of a refund and eligibility  
43 to make the purchase of the service credit, including, but not limited to, service  
44 credit for military service, was achieved before July 1, 1998 for employees  
45 identified in subsection 1, paragraphs A to H; before January 1, 2000 for

1 employees identified in subsection 1, paragraphs I to K; before January 1, 2002  
2 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for  
3 employees identified in subsection 1, paragraph M; and before July 1, 2007 for  
4 employees identified in subsection 1, paragraph N, must be computed under  
5 section 17852, subsection 1, paragraph A. If the member is qualified under  
6 subsection 2, paragraph B and:

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

10 (b) Had fewer than 10 years of creditable service on July 1, 1993, the  
11 amount of the segment or segments must be reduced as provided in section  
12 17852, subsection 3-A; and

13 (2) The segment that reflects creditable service earned after June 30, 1998 and  
14 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
15 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
16 to H; after December 31, 1999 for employees identified in subsection 1,  
17 paragraphs I to K; after December 31, 2001 for employees identified in  
18 subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in  
19 subsection 1, paragraph M; and after June 30, 2007 for employees identified in  
20 subsection 1, paragraph N or purchased by repayment of an earlier refund of  
21 accumulated contributions for service after June 30, 1998 and before September  
22 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June  
23 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
24 December 31, 1999 for employees identified in subsection 1, paragraphs I to K;  
25 after December 31, 2001 for employees identified in subsection 1, paragraph L;  
26 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M;  
27 and after June 30, 2007 for employees identified in subsection 1, paragraph N in  
28 any one or a combination of the capacities specified in subsection 1, or purchased  
29 by other than the repayment of a refund and eligibility to make the purchase of  
30 the service credit, including, but not limited to, service credit for military service,  
31 was achieved after June 30, 1998 and before September 1, 2002 for employees  
32 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees  
33 identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
34 employees identified in subsection 1, paragraphs I to K; after December 31, 2001  
35 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for  
36 employees identified in subsection 1, paragraph M; and after June 30, 2007 for  
37 employees identified in subsection 1, paragraph N must be computed under  
38 section 17852, subsection 1, paragraph A. If the member is qualified under  
39 subsection 2, paragraph B and:

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

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

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

6 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June  
7 30, 1998 and before September 1, 2002 for employees identified in subsection 1,  
8 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
9 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
10 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
11 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph  
12 M; and after June 30, 2007 for employees identified in subsection 1, paragraph N, a  
13 member in the capacities specified in subsection 1 must contribute to the retirement  
14 system or have pick-up contributions made at the rate of 8.65% of earnable compensation  
15 until the member has completed 25 years of creditable service as provided in this section  
16 and at the rate of 7.65% thereafter.

17 **Sec. 7. 25 MRSA §1611, sub-§5**, as amended by PL 2005, c. 519, Pt. XXX, §1,  
18 is repealed and the following enacted in its place:

19 **5. Law enforcement officer or officer.** "Law enforcement officer" or "officer"  
20 means a person who by virtue of public employment is vested by law with the power to  
21 make arrests for crimes or serve criminal process, whether that power extends to all  
22 crimes or is limited to specific crimes. As used in this chapter, "law enforcement officer"  
23 or "officer" does not include federal law enforcement officers or attorneys prosecuting for  
24 the State.

25 **Sec. 8. Transition.** Notwithstanding the Maine Revised Statutes, Title 5, section  
26 17851-A, subsection 1, paragraph N, a person hired by the Office of the Attorney General  
27 prior to July 1, 2007 may elect to participate in the 1998 Special Plan of the Maine State  
28 Retirement System, as long as the election is made not later than 180 days after the  
29 effective date of this Act.

## 30 SUMMARY

31 This bill allows detectives in the Office of the Attorney General to elect to participate  
32 in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person  
33 may retire at 55 years of age with 10 years of creditable service, or may retire before 55  
34 years of age with 25 years of creditable service and a reduced benefit.

35 This bill also amends the definition of "law enforcement officer" for purposes of the  
36 law governing death benefits to ensure that all sworn law enforcement officers are  
37 eligible to receive so-called "line of duty" death benefits.