

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2146

H.P. 1525

House of Representatives, January 10, 2008

**An Act To Improve the Codification of Retirement Plans
Administered by the Maine Public Employees Retirement System**

Submitted by the Maine Public Employees Retirement System pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: BURNS of Berwick, CLARK of Millinocket, DRISCOLL of Westbrook,
DUPREY of Hampden, HAMPER of Oxford, HASKELL of Portland, JACKSON of Allagash,
THOMAS of Ripley.

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

2 **Sec. 1. 2 MRSA §1-A, sub-§2, ¶B**, as enacted by PL 1985, c. 801, §§1 and 7 and
3 amended by PL 2007, c. 58, §3, is further amended to read:

4 B. A Governor may become or continue to be a member of the ~~Maine Public~~
5 ~~Employees Retirement System~~ State Employee and Teacher Retirement Program and
6 is entitled to all benefits, except that the benefit provided under this section ~~shall be~~ is
7 in lieu of, and not in addition to, all benefits provided under Title 5, Part 20.

8 **Sec. 2. 2 MRSA §1-A, sub-§2, ¶C**, as enacted by PL 1985, c. 801, §§1 and 7 and
9 amended by PL 2007, c. 58, §3, is further amended to read:

10 C. When a retirement allowance under this section becomes effective:

11 (1) Any accumulated contributions of a Governor who is or was a member of the
12 State Employee and Teacher Retirement Program or was a member of the ~~Maine~~
13 ~~Public Employees Retirement System~~ former Maine State Retirement
14 System must be transferred from the Members' Contribution Fund to the
15 Governor's Retirement Fund; and

16 (2) An amount ~~shall~~ must be transferred from the Retirement Allowance Fund to
17 the Governor's Retirement Fund equal to the accrued benefit reserve minus the
18 accumulated contributions under subparagraph (1), which would have been
19 required to pay the benefits to which the Governor or surviving spouse would
20 have been entitled under Title 5, chapter 423, subchapter ~~5~~ 5.

21 **Sec. 3. 3 MRSA §701, sub-§8**, as enacted by PL 1985, c. 507, §1 and amended
22 by PL 2007, c. 58, §3, is further amended to read:

23 **8. Creditable service.** "Creditable service" means service rendered while a member
24 of the former Maine Legislative Retirement System ~~or, the Legislative Retirement~~
25 ~~Program, the Maine Public Employees Retirement System~~ former Maine State
26 Retirement System or the State and Teacher Retirement Program for which credit is
27 allowed under section 802.

28 **Sec. 4. 3 MRSA §701, sub-§12**, as enacted by PL 1985, c. 507, §1, is amended to
29 read:

30 **12. Member.** "Member" means a Legislator who is included in the membership of
31 the ~~Maine~~ Legislative Retirement ~~System~~ Program, as provided in section 801.

32 **Sec. 5. 3 MRSA §702**, as enacted by PL 1985, c. 507, §1, is amended to read:

33 **§702. Name, establishment and purpose**

34 There is established the ~~Maine~~ Legislative Retirement ~~System~~ Program, which ~~shall~~
35 ~~have~~ has the powers and privileges of a corporation.

36 The purpose of the ~~Maine~~ Legislative Retirement ~~System~~ Program is to provide
37 retirement allowances and other benefits under this chapter for Legislators.

1 **Sec. 6. 3 MRSA §731, first ¶**, as enacted by PL 1985, c. 507, §1 and amended by
2 PL 2007, c. 58, §3, is further amended to read:

3 The Board of Trustees of the ~~Maine Legislative Retirement System shall consist~~
4 Program consists of those persons who are members of the Board of Trustees of the
5 Maine Public Employees Retirement System. The Board of Trustees of the ~~Maine~~
6 Legislative Retirement System Program is responsible for the proper operation and
7 implementation of the ~~Maine Legislative Retirement System Program~~ Program under this chapter.

8 **Sec. 7. 3 MRSA §731, sub-§1**, as amended by PL 1989, c. 133, §4 and PL 2007,
9 c. 58, §3, is further amended to read:

10 **1. Duties.** The board ~~shall have of trustees has~~ the same duties with respect to the
11 ~~Maine Legislative Retirement System Program as the Board of Trustees of the Maine~~
12 ~~Public Employees Retirement System has~~ with other programs of the Maine Public
13 Employees Retirement System, including, but not limited to, those powers and duties
14 enumerated in Title 5, chapter 421, subchapters ~~III, IV and V~~ 3, 4 and 5.

15 **Sec. 8. 3 MRSA §731, sub-§2**, as enacted by PL 1985, c. 507, §1, is further
16 amended to read:

17 **2. Administration of Legislative Retirement Program.** The board of trustees shall
18 administer the ~~Maine Legislative Retirement System Program~~ and may ~~promulgate adopt~~
19 and publish, in accordance with ~~the Maine Administrative Procedure Act~~, Title 5, chapter
20 375, subchapter H 2, any rules necessary and proper to give effect to the intent, purposes
21 and provisions of this chapter.

22 **Sec. 9. 3 MRSA §731, sub-§3**, as enacted by PL 1985, c. 507, §1, is amended to
23 read:

24 **3. Expenses.** The trustees ~~shall be compensated,~~ are entitled to compensation as
25 provided in Title 5, chapter 379; from the funds of the ~~Maine Legislative Retirement~~
26 ~~System~~ Maine Public Employees Retirement System.

27 **Sec. 10. 3 MRSA §732**, as enacted by PL 1985, c. 507, §1 and amended by PL
28 2007, c. 58, §3, is further amended to read:

29 **§732. Executive director**

30 The Executive Director of the Maine Public Employees Retirement System ~~shall be~~ is
31 the Executive Director of the ~~Maine Legislative Retirement System Program~~. The
32 executive director ~~shall have~~ has the same powers and duties with respect to the ~~Maine~~
33 Legislative Retirement System Program as ~~he does~~ with other programs of the Maine
34 Public Employees Retirement System, except as provided in this chapter.

35 **Sec. 11. 3 MRSA §733**, as enacted by PL 1985, c. 507, §1 and amended by PL
36 2007, c. 58, §3, is further amended to read:

1 **§733. Actuary**

2 The ~~Actuary~~ actuary of the other programs of the Maine Public Employees
3 Retirement System ~~shall be~~ is the Actuary of the ~~Maine~~ Legislative Retirement System
4 Program.

5 **Sec. 12. 3 MRSA §734**, as amended by PL 1995, c. 643, §1 and PL 2007, c. 58,
6 §3, is further amended to read:

7 **§734. Medical board**

8 A medical board of the other programs of the Maine Public Employees Retirement
9 System established in Title 5, section 17106, subsection 1 is the medical board of the
10 ~~Maine~~ Legislative Retirement System Program. The medical board shall arrange for and
11 pass upon all medical examinations required under this chapter with respect to disability
12 retirements and shall report in writing to the executive director its conclusions and
13 recommendations upon all the matters referred to it. The board of trustees may designate
14 other physicians to provide medical consultation on legislative disability cases.

15 **Sec. 13. 3 MRSA §735**, as amended by PL 1989, c. 133, §5 and PL 2007, c. 58,
16 §3, is further amended to read:

17 **§735. Administrative procedures**

18 Appeal from the executive director's decision ~~shall be~~ is the same as provided for
19 other programs of the Maine Public Employees Retirement System in Title 5, section
20 17451.

21 **Sec. 14. 3 MRSA §736**, as enacted by PL 1985, c. 507, §1, is further amended to
22 read:

23 **§736. Legal adviser**

24 The Attorney General or an assistant designated by ~~him~~ shall be the Attorney General
25 is the legal adviser of the Board of Trustees of the ~~Maine~~ Legislative Retirement System
26 Program.

27 **Sec. 15. 3 MRSA §751**, as amended by PL 1989, c. 133, §6 and PL 2007, c. 58,
28 §3, is further amended to read:

29 **§751. Control of funds**

30 The board of trustees ~~shall be~~ is the trustee of the funds created by this chapter and
31 shall administer those funds in the same manner as is provided for the administration of
32 other program funds of the Maine Public Employees Retirement System ~~funds~~ in
33 accordance with Title 5, chapter 421, subchapters ~~III 3~~ and IV 4. The board of trustees
34 may establish separate funds or accounts within a fund, as necessary.

35 **Sec. 16. 3 MRSA §754**, as enacted by PL 1985, c. 507, §1 and amended by PL
36 2007, c. 58, §3, is further amended to read:

1 **§754. Investments**

2 The board of trustees may combine funds from the ~~Maine~~ Legislative Retirement
3 ~~System Program~~ and the assets of other programs of the Maine Public Employees
4 Retirement System for investment purposes. The assets and funds of other programs of
5 the Maine Public Employees Retirement System and the assets and funds of the ~~Maine~~
6 Legislative Retirement ~~System~~ Program may not be combined for benefit payment
7 purposes or for administrative expenses.

8 **Sec. 17. 3 MRSA §755**, as enacted by PL 1985, c. 507, §1, is amended to read:

9 **§755. Legislative findings and intent**

10 **1. Findings.** The Legislature finds that the State owes a great debt to its retired
11 Legislators for their years of faithful and productive service. Part of that debt is repaid by
12 the benefits provided to Legislators through the ~~Maine~~ Legislative Retirement ~~System~~
13 Program.

14 **2. Intent.** It is the intent of the Legislature that there ~~shall~~ be appropriated and
15 transferred annually to the ~~Maine~~ Legislative Retirement ~~System Program~~ the funds
16 necessary to meet the ~~system's program's~~ long-term and short-term financial obligations
17 based on the actuarial assumptions established by the board of trustees upon the advice of
18 the actuary. The goal of the actuarial assumptions ~~shall be~~ is to achieve a fully funded
19 ~~system program~~. The ~~system's program's~~ unfunded liability ~~shall~~ must be funded by
20 annual appropriations over the funding period of the ~~system program~~.

21 **3. Implementation.** It ~~shall be~~ is the responsibility of the board of trustees to
22 calculate the funds necessary to maintain the ~~system program~~ on an actuarially sound
23 basis, including the unfunded liability arising from payment of benefits for which
24 contributions were not received and to transmit those calculations to the State Budget
25 Officer as required by Title 5, sections 1661 to 1667. It ~~shall be~~ is the responsibility of the
26 Legislature to appropriate and transfer those funds annually.

27 **Sec. 18. 3 MRSA §801**, as amended by PL 2007, c. 58, §3 and c. 249, §2, is
28 further amended to read:

29 **§801. Membership**

30 **1. Membership mandatory.** Every Legislator serving in the Legislature on or after
31 December 3, 1986 is a member of the ~~Maine~~ Legislative Retirement ~~System Program~~,
32 except that any Legislator who is was a member of the Maine State Retirement System on
33 December 2, 1986 may ~~continue~~ choose to be a member of ~~that system~~ the State
34 Employee and Teacher Retirement Program instead of becoming a member of the ~~Maine~~
35 Legislative Retirement ~~System Program~~, and any Legislator who is a public school
36 teacher or an employee of the Maine Community College System on leave of absence for
37 the purpose of serving in the Legislature continues to be a member of the ~~Maine State~~
38 ~~Retirement System~~ State Employee and Teacher Retirement Program and to have
39 contributions deducted from the member's legislative earnable compensation as provided
40 by Title 5, section 17701. A Legislator who terminates employment from a position

1 requiring membership in the ~~Maine State Retirement System~~ State Employee and Teacher
2 Retirement Program no longer contributes to the ~~Maine State Retirement System~~ State
3 Employee and Teacher Retirement Program and, if qualified, is eligible to become a
4 benefit recipient under Title 5, section 17804. Upon such termination, the Legislator
5 becomes a member of the ~~Maine~~ Legislative Retirement ~~System~~ Program. Except as
6 provided in section 802, subsection 4, paragraph A, creditable service granted under the
7 ~~Maine State Retirement System~~ State Employee and Teacher Retirement Program may
8 not be transferred to the ~~Maine~~ Legislative Retirement ~~System~~ Program. A member
9 ceases to be a member when the member withdraws the member's contributions, becomes
10 a beneficiary as a result of the member's own retirement or dies.

11 **1-A. Waiver provision.** Any Legislator may petition the presiding officer for a
12 waiver from the membership provisions of subsection 1 if it can be demonstrated that
13 membership in the ~~Maine~~ Legislative Retirement ~~System~~ Program, will create or
14 exacerbate a Legislator's federal income tax liability due to the ownership of another
15 retirement plan. The Office of the Executive Director of the Legislative Council shall
16 provide assistance as requested by the Legislator or presiding officer. The presiding
17 officer shall respond to the Legislator's petition within 30 days and shall provide copies of
18 the decision to the Executive Director of the Legislative Council and the Executive
19 Director of the Maine Public Employees Retirement System.

20 **2. Reports from Legislative Administrative Director.** The Executive Director of
21 the Legislative Council shall submit to the board of trustees a statement showing the
22 name, title, compensation, sex, date of birth and length of service of each member and
23 any other information as the board of trustees may require at such times as the board of
24 trustees may require.

25 **Sec. 19. 3 MRSA §802, sub-§2,** as enacted by PL 1985, c. 507, §1 and amended
26 by PL 2007, c. 58, §3, is further amended to read:

27 **2. Legislative service before December 3, 1986.** All service of a member as a
28 Legislator before December 3, 1986, ~~shall~~ must be allowed as creditable service upon
29 payment of contributions at that percentage rate required of members of the ~~Maine Public~~
30 ~~Employees Retirement System~~ State Employee and Teacher Retirement Program during
31 the period of time covered by the legislative service applied to the earnable compensation
32 of the member, together with interest at a rate set by a rule of the board of trustees from
33 the end of the calendar year in which the compensation was paid to the date payment of
34 the contributions is made.

35 **Sec. 20. 3 MRSA §802, sub-§4,** as amended by PL 2007, c. 58, §3 and c. 249, §3,
36 is further amended to read:

37 **4. State Employee and Teacher Retirement Program service.** Creditable service
38 as a member of the ~~Maine Public Employees Retirement System~~ State Employee and
39 Teacher Retirement Program as a state employee ~~shall~~ must be allowed as creditable
40 service of the ~~Maine~~ Legislative Retirement ~~System~~ Program as follows.

41 A. Any member who has not withdrawn the member's accumulated contributions
42 with the ~~Maine Public Employees Retirement System~~ State Employee and Teacher

1 Retirement Program and is not a benefit recipient under Title 5, section 17804 may,
2 upon becoming a Legislator, have the member's ~~Maine Public Employees Retirement~~
3 ~~System State Employee and Teacher Retirement Program~~ contributions and
4 membership service transferred to the member's account with the ~~Maine~~ Legislative
5 Retirement ~~System Program~~ and all creditable service resulting from membership in
6 the ~~Maine Public Employees Retirement System State Employee and Teacher~~
7 ~~Retirement Program~~ is creditable service in the ~~Maine~~ Legislative Retirement ~~System~~
8 Program.

9 All funds in the ~~Maine Public Employees Retirement System State Employee and~~
10 ~~Teacher Retirement Program~~ contributed by the State on account of the member's
11 employment must be transferred to the ~~Maine~~ Legislative Retirement ~~System~~
12 Program and must be used to liquidate the liability incurred by reason of the
13 member's previous employment. The State shall make contributions, from time to
14 time, as may be necessary to provide the benefits under the ~~Maine~~ Legislative
15 Retirement ~~System Program~~ for the member that have accrued to the member by
16 reason of the member's previous employment and may accrue to the member by
17 reason of membership in the ~~Maine Public Employees Retirement System State~~
18 ~~Employee and Teacher Retirement Program~~.

19 B. Any member who has withdrawn his that member's accumulated contributions
20 from the ~~Maine Public Employees Retirement System State Employee and Teacher~~
21 ~~Retirement Program~~ may, subsequent to becoming a Legislator and prior to the date
22 any retirement allowance becomes effective for ~~him~~ the member, deposit in the fund
23 by a single payment or by an increased rate of contribution an amount equal to the
24 accumulated contributions withdrawn by ~~him~~ the member, together with interest at a
25 rate set by a rule of the board of trustees from the date of withdrawal to the date of
26 repayment. If repayment is made in installments, interest ~~shall continue~~ continues to
27 accrue on the outstanding balance. The member ~~shall be~~ is entitled to all creditable
28 service that ~~he~~ the member acquired during ~~his~~ the member's previous membership.
29 In the event any retirement allowance becomes effective before repayment is
30 completed, the member ~~shall be~~ is entitled to credit for that portion of the total of the
31 previous creditable service which the total amount of payments actually made bears
32 to the total amount, including interest at a rate set by a rule of the board of trustees
33 from the date of withdrawal to the date the retirement allowance becomes effective.

34 C. ~~No~~ A person may not receive benefits under both the ~~Maine~~ Legislative
35 Retirement ~~System Program~~ and the ~~Maine Public Employees Retirement System~~
36 ~~State Employee and Teacher Retirement Program~~ based upon the same period of
37 service.

38 **Sec. 21. 3 MRSA §803**, as amended by PL 2007, c. 240, Pt. U, §2, is further
39 amended to read:

40 **§803. State contribution**

41 **1. Payment.** For each member, the State shall pay annually into the fund an amount
42 known as the employer contribution.

1 **2. Employer contribution.** Employer contribution ~~shall~~ must be fixed on the basis
2 of the assets and liabilities of the ~~Maine~~ Legislative Retirement ~~System~~ Program as
3 shown by actuarial valuation and ~~shall be~~ is expressed as a percentage of the annual
4 earnable compensation of each member.

5 A. The employer contribution rate ~~shall represent~~ represents the percentage of the
6 member's compensation payable during periods of membership required to provide
7 the difference between the total liabilities for retirement allowances and the amount
8 of the assets in the fund.

9 B. The employer contribution rate ~~shall be~~ is determined on actuarial bases adopted
10 by the board of trustees. The rate ~~shall be~~ is determined by the board of trustees after
11 each valuation and ~~shall continue~~ continues in force until a new valuation is made.

12 **3. State contribution procedure.** The board of trustees shall submit budget
13 estimates to the State Budget Officer in accordance with Title 5, section 1665.

14 On each payroll for Legislators, the State Controller shall cause a charge to be made of an
15 amount or amounts in payment of the state costs of all charges related to the ~~Maine~~
16 Legislative Retirement ~~System~~ Program and which ~~shall~~ must be credited to the
17 appropriate accounts of the fund. Percentage rates to be predetermined by the actuary and
18 approved by the board of trustees ~~shall~~ must be applied to the total gross salaries of
19 members appearing on those payrolls and the resultant charges ~~shall~~ must be periodically
20 credited to the retirement fund.

21 **4. Minimum amount of employer contribution.** The aggregate payment by the
22 State into the fund must be at least sufficient to provide the benefits payable out of the
23 fund and the administrative operating expenses of the ~~Maine~~ Legislative Retirement
24 ~~System~~ Program during the current year.

25 **Sec. 22. 3 MRSA §805-A, sub-§1, ¶C**, as amended by PL 2007, c. 58, §3 and
26 enacted by c. 137, §3, is further amended to read:

27 C. An application for refund is void if the member filing the application returns to
28 membership in any retirement ~~plan~~ program administered by the Maine Public
29 Employees Retirement System before issuance of the payment; and

30 **Sec. 23. 3 MRSA §851, sub-§1-B**, as enacted by PL 1999, c. 756, §2 and
31 amended by PL 2007, c. 58, §3, is further amended to read:

32 **1-B. At least 10 years of creditable service or 60 years of age on July 1, 1993.** A
33 member who on July 1, 1993, whether or not in service on that date, had 10 years of
34 creditable service or who on July 1, 1993 had reached 60 years of age and was then in
35 service may retire at 60 years of age or thereafter, whether or not the member is in service
36 at retirement. Creditable service as a member of any other retirement program of the
37 Maine Public Employees Retirement System may be combined with creditable service as
38 a member of the ~~Maine~~ Legislative Retirement ~~System~~ Program for the purpose of
39 determining the completion of 10 years of creditable service.

40 **Sec. 24. 3 MRSA §851, sub-§1-C**, as enacted by PL 1999, c. 756, §2 and
41 amended by PL 2007, c. 58, §3, is further amended to read:

1 **1-C. Less than 10 years of creditable service on July 1, 1993.** A member who on
2 July 1, 1993 had less than 10 years of creditable service and who was in service on
3 October 1, 1999; who had left service prior to October 1, 1999 with or without
4 withdrawing contributions and on or after October 1, 1999 returned to service; or who
5 first enters service on or after October 1, 1999 may retire at 62 years of age or thereafter,
6 whether or not the member is in service at retirement, as long as the member has at the
7 time of retirement at least 5 years of creditable service. Creditable service as a member
8 of any other retirement program of the Maine Public Employees Retirement System may
9 be combined with creditable service as a member of the ~~Maine~~ Legislative Retirement
10 System Program for the purpose of determining the completion of 5 years of creditable
11 service.

12 **Sec. 25. 3 MRSA §851, sub-§2,** as amended by PL 1999, c. 756, §3 and PL 2007,
13 c. 58, §3, is further amended to read:

14 **2. Early retirement; 10 years of creditable service on July 1, 1993.** Any member,
15 whether or not in service at retirement, who on July 1, 1993 had at least 10 years of
16 creditable service and who has completed at least 25 years of creditable service may retire
17 any time before the member's 60th birthday. Creditable service as a member of any other
18 retirement program of the Maine Public Employees Retirement System may be combined
19 with creditable service as a member of the ~~Maine~~ Legislative Retirement System Program
20 for the purpose of determining the completion of 25 years of creditable service. The
21 retirement allowance is determined in accordance with section 852, except that it is
22 reduced by multiplying the retirement allowance by a fraction that represents the ratio of
23 the amount of a life annuity due at age 60 years to the amount of a life annuity due at the
24 age of retirement. The tables of annuities in effect at the date of retirement are used for
25 this purpose.

26 **Sec. 26. 3 MRSA §851, sub-§2-A,** as amended by PL 1999, c. 756, §3 and PL
27 2007, c. 58, §3, is further amended to read:

28 **2-A. Early retirement; less than 10 years creditable service on July 1, 1993.** Any
29 member, whether or not in service at retirement, who on July 1, 1993 had less than 10
30 years of creditable service and who has completed at least 25 years of creditable service
31 may retire any time before the member's 62nd birthday. Creditable service as a member
32 of any other retirement program of the Maine Public Employees Retirement System may
33 be combined with creditable service as a member of the ~~Maine~~ Legislative Retirement
34 System Program for the purpose of determining the completion of 25 years of creditable
35 service. The retirement allowance is determined in accordance with section 852, except
36 that it is reduced by 6% for each year that the member's age precedes age 62.

37 **Sec. 27. 3 MRSA §853,** as amended by PL 1989, c. 133, §9 and PL 2007, c. 58,
38 §3, is further amended to read:

39 **§853. Disability retirement**

40 Any member who becomes disabled while in service may receive a disability
41 retirement allowance on the same basis as provided for members of the ~~Maine Public~~

1 ~~Employees Retirement System~~ State Employee and Teacher Retirement Program by Title
2 5, chapter 423, subchapter ~~Ψ 5~~, article 3.

3 **Sec. 28. 3 MRSA §855**, as amended by PL 1989, c. 133, §10 and PL 2007, c. 58,
4 §3, is further amended to read:

5 **§855. Ordinary death benefits**

6 If a member who is in service or a former member who is a recipient of a disability
7 retirement allowance dies, the member's beneficiary, or relative if no designated
8 beneficiary, ~~shall be~~ is entitled to benefits on the same basis as provided for beneficiaries
9 of state employees who are members of the ~~Maine Public Employees Retirement System~~
10 State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter ~~Ψ 5~~,
11 article 4.

12 **Sec. 29. 3 MRSA §856**, as amended by PL 1989, c. 133, §11 and PL 2007, c. 58,
13 §3, is further amended to read:

14 **§856. Accidental death benefits**

15 If a member or a former member who is receiving a disability retirement allowance
16 dies as a result of an injury received in the line of duty, benefits ~~shall~~ must be paid on the
17 same basis as provided for members of the ~~Maine Public Employees Retirement System~~
18 State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter ~~Ψ 5~~,
19 article 5.

20 **Sec. 30. 3 MRSA §857**, as amended by PL 1989, c. 133, §12 and PL 2007, c. 58,
21 §3, is further amended to read:

22 **§857. Payment of service retirement allowance**

23 All service retirement allowances ~~shall~~ must be paid on the same basis as provided
24 for members of the ~~Maine Public Employees Retirement System~~ State Employee and
25 Teacher Retirement Program by Title 5, section 17804.

26 **Sec. 31. 3 MRSA §858**, as amended by PL 1989, c. 133, §13 and PL 2007, c. 58,
27 §3, is further amended to read:

28 **§858. Cost-of-living and other adjustments**

29 Retirement allowances under this chapter ~~shall~~ must be adjusted on the same basis as
30 provided for members of the ~~Maine Public Employees Retirement System~~ State
31 Employee and Teacher Retirement Program by Title 5, section 17806.

32 **Sec. 32. 3 MRSA §859**, as enacted by PL 1989, c. 133, §14 and amended by PL
33 2007, c. 58, §3, is further amended to read:

1 **§859. Remarriage after retirement**

2 If a retiree who is the recipient of a reduced service retirement allowance under
3 section 857 remarries after the retiree's spouse dies, the retiree may elect to have the
4 reduced retirement benefit paid under the same option to the new spouse after the retiree's
5 death instead of continuing the original reduced retirement allowance to the retiree during
6 the retiree's lifetime, under the same basis as provided for members of the ~~Maine Public~~
7 ~~Employees Retirement System~~ State Employee and Teacher Retirement Program by Title
8 5, section 17805.

9 **Sec. 33. 3 MRSA §860**, as enacted by PL 1997, c. 55, §1 and amended by PL
10 2007, c. 58, §3, is further amended to read:

11 **§860. Divorce**

12 If a retiree who is the recipient of a reduced service retirement allowance under
13 section 857 is granted a divorce either after retirement or before a retirement beneficiary
14 is named, the provisions of Title 5, section 17805-A apply on the same basis as for
15 members of the ~~Maine Public Employees Retirement System~~ State Employee and
16 Teacher Retirement Program.

17 **Sec. 34. 4 MRSA §1202**, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18, is
18 amended to read:

19 **§1202. Name, establishment and purpose**

20 There is established ~~on December 1, 1984, the Maine Judicial Retirement System,~~
21 ~~which shall have~~ the Judicial Retirement Program, which has the powers and privileges of
22 a corporation.

23 The purpose of the ~~Maine~~ Judicial Retirement System Program is to provide
24 retirement allowances and other benefits under this chapter for judges.

25 **Sec. 35. 4 MRSA §1231**, as amended by PL 2001, c. 181, §2 and PL 2007, c. 58,
26 §3, is further amended to read:

27 **§1231. Board of trustees**

28 The Board of Trustees of the ~~Maine~~ Judicial Retirement System ~~shall consist~~
29 Program consists of those persons who are members of the Board of Trustees of the
30 Maine Public Employees Retirement System. The Board of Trustees of the ~~Maine~~
31 Judicial Retirement System Program is responsible for the proper operation and
32 implementation of the ~~Maine~~ Judicial Retirement System Program under this chapter.

33 **1. Duties.** The board ~~shall have~~ of trustees has the same duties with respect to the
34 ~~Maine~~ Judicial Retirement System Program as ~~the board of the Maine Public Employees~~
35 ~~Retirement System has~~ with respect to other programs of the Maine Public Employees
36 Retirement System, including, but not limited to, those powers and duties enumerated in
37 Title 5, chapter 421, subchapters ~~III 3, IV 4 and V 5.~~

1 **2. Administration of Judicial Retirement Program.** The board of trustees shall
2 administer the ~~Maine~~ Judicial Retirement System Program and is authorized to
3 ~~promulgate~~ adopt and publish, in accordance with the ~~Maine Administrative Procedure~~
4 ~~Act~~, Title 5, chapter 375, subchapter ~~H~~ 2, any rules necessary and proper to give effect to
5 the intent, purposes and provisions of this chapter.

6 **3. Expenses.** The trustees ~~shall~~ must be compensated, as provided in Title 5, chapter
7 379, from the funds of the ~~Maine~~ Judicial Retirement System Program.

8 **4. Oath.** Each trustee shall, within 30 days after that trustee's appointment, take an
9 oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the
10 Constitution of Maine. The oath must be subscribed to by the trustee making it, certified
11 by the officer before whom it is taken and immediately filed in the office of the Secretary
12 of State.

13 **5. Quorum.** Each voting trustee is entitled to one vote in the board of trustees. Five
14 trustees constitute a quorum for the transaction of any business. Five votes are necessary
15 for any resolution or action by the board of trustees at any meeting of the board of
16 trustees.

17 **Sec. 36. 4 MRSA §1232**, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18 and
18 amended by PL 2007, c. 58, §3, is further amended to read:

19 **§1232. Executive director**

20 The Executive Director of the Maine Public Employees Retirement System ~~shall be~~ is
21 the Executive Director of the ~~Maine~~ Judicial Retirement System Program. The executive
22 director ~~shall have~~ has the same powers and duties with respect to the ~~Maine~~ Judicial
23 Retirement System Program as ~~he does~~ with other programs of the Maine Public
24 Employees Retirement System, except as provided in this chapter.

25 **Sec. 37. 4 MRSA §1233**, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18 and
26 amended by PL 2007, c. 58, §3, is further amended to read:

27 **§1233. Actuary**

28 The ~~Actuary~~ actuary of the other programs of the Maine Public Employees
29 Retirement System ~~shall be~~ is the Actuary of the ~~Maine~~ Judicial Retirement System
30 Program.

31 **Sec. 38. 4 MRSA §1234**, as amended by PL 1995, c. 643, §2 and PL 2007, c. 58,
32 §3, is further amended to read:

33 **§1234. Medical board**

34 A medical board of the other programs of the Maine Public Employees Retirement
35 System established in section 17106, subsection 1 is the medical board of the ~~Maine~~
36 Judicial Retirement System Program. The medical board shall arrange for and pass upon
37 all medical examinations required under this chapter with respect to disability retirements
38 and shall report in writing to the Supreme Judicial Court its conclusions and

1 recommendations upon all the matters referred to it. The board of trustees may designate
2 other physicians to provide medical consultation on judicial disability cases.

3 **Sec. 39. 4 MRSA §1235**, as amended by PL 1989, c. 133, §22 and PL 2007, c. 58,
4 §3, is further amended to read:

5 **§1235. Administrative procedures**

6 Appeal from the executive director's decision ~~shall be~~ is the same as provided for
7 other programs of the Maine Public Employees Retirement System in Title 5, section
8 17451.

9 **Sec. 40. 4 MRSA §1236**, as enacted by PL 1983, c. 863, Pt. B, §§15 and 45, is
10 amended to read:

11 **§1236. Legal adviser**

12 The Attorney General or an assistant designated by ~~him shall be~~ the Attorney General
13 is the legal adviser of the Board of Trustees of the ~~Maine Judicial Retirement System~~
14 Program.

15 **Sec. 41. 4 MRSA §1251**, as amended by PL 1989, c. 133, §23 and amended by PL
16 2007, c. 58, §3, is further amended to read:

17 **§1251. Control of funds**

18 The board of trustees ~~shall be~~ is the trustee of the funds created by this chapter and
19 shall administer those funds in the same manner as is provided for the administration of
20 the ~~Maine Public Employees Retirement System~~ other program funds of the Maine Public
21 Employees Retirement System in accordance with Title 5, chapter 421, subchapters ~~III~~ 3
22 and ~~IV~~ 4. The board of trustees may establish separate funds or accounts within a fund, as
23 necessary.

24 **Sec. 42. 4 MRSA §1253**, as repealed and replaced by PL 2007, c. 240, Pt. U, §3,
25 is amended to read:

26 **§1253. Expenses**

27 All administrative operating expenses of the ~~Maine Judicial Retirement System~~
28 Program must be charged to the assets of the ~~Maine Judicial Retirement System~~ Program.

29 **Sec. 43. 4 MRSA §1254**, as amended by PL 1983, c. 863, Pt. B, §§16 and 45 and
30 PL 2007, c. 58, §3, is further amended to read:

31 **§1254. Investments**

32 The board of trustees may combine funds from the ~~Maine Judicial Retirement System~~
33 Program and assets of other programs of the Maine Public Employees Retirement System
34 for investment purposes. The assets and funds of other programs of the Maine Public
35 Employees Retirement System and the assets and funds of the ~~Maine Judicial Retirement~~

1 ~~System shall Program~~ may not be combined for benefit payment purposes or for
2 administrative expenses.

3 **Sec. 44. 4 MRSA §1255**, as amended by PL 1983, c. 863, Pt. B, §§17 and 45, is
4 further amended to read:

5 **§1255. Legislative findings and intent**

6 **1. Findings.** The Legislature finds that the State owes a great debt to its retired
7 judges for their years of faithful and productive service. Part of that debt is repaid by the
8 benefits provided to judges through the ~~Maine~~ Judicial Retirement System Program.

9 **2. Intent.** It is the intent of the Legislature that there ~~shall be~~ is appropriated and
10 transferred annually to the ~~Maine~~ Judicial Retirement System Program the funds
11 necessary to meet the ~~system's program's~~ long-term and short-term financial obligations
12 based on the actuarial assumptions established by the board of trustees upon the advice of
13 the actuary. The goal of the actuarial assumptions ~~shall be~~ is to achieve a fully funded
14 ~~system program~~. The ~~system's program's~~ unfunded liability for members formerly subject
15 to sections 5, 103 and 157-A, ~~shall be~~ is funded by annual appropriations over the
16 funding period of the ~~system program~~. This section ~~shall~~ does not apply to justices and
17 judges who retired prior to December 1, 1984.

18 **3. Implementation.** It ~~shall be~~ is the responsibility of the board of trustees to
19 calculate the funds necessary to maintain the ~~system program~~ on an actuarially sound
20 basis, including the unfunded liability arising from payment of benefits for which
21 contributions were not received and to transmit those calculations to the State Budget
22 Officer as required by Title 5, sections 1661 to 1667. It ~~shall be~~ is the responsibility of the
23 Legislature to appropriate and transfer those funds annually.

24 **Sec. 45. 4 MRSA §1302, sub-§3**, as amended by PL 1985, c. 693, §8 and PL
25 2007, c. 58, §3, is further amended to read:

26 **3. State Employee and Teacher Retirement Program service.** Creditable service
27 as a member of the ~~Maine Public Employees Retirement System~~ State Employee
28 and Teacher Retirement Program must be allowed as creditable service of the ~~Maine~~
29 Judicial Retirement System Program as follows.

30 A. Any member who has not withdrawn ~~his~~ that member's accumulated
31 contributions with the ~~Maine Public Employees Retirement System~~ State Employee
32 and Teacher Retirement Program may, upon appointment as a judge, have ~~his~~ that member's
33 ~~Maine Public Employees Retirement System~~ State Employee and Teacher
34 Retirement Program contributions and membership service transferred to ~~his~~ that
35 member's account with the ~~Maine~~ Judicial Retirement System Program and all
36 creditable service resulting from ~~his~~ membership in the ~~Maine Public Employees~~
37 ~~Retirement System~~ shall be State Employee and Teacher Retirement Program is
38 creditable service in the ~~Maine~~ Judicial Retirement System Program.

39 All funds in the ~~Maine Public Employees Retirement System~~ State Employee and
40 Teacher Retirement Program contributed by the employer on account of ~~his~~
41 employment ~~shall be~~ are transferred to the ~~Maine~~ Judicial Retirement System

1 Program and shall must be used to liquidate the liability incurred by reason of his that
2 member's previous employment. The State shall make such contributions, from time
3 to time, as may be necessary to provide the benefits under the Maine Judicial
4 Retirement System Program for the member as have accrued to him the member by
5 reason of his the member's previous employment and may accrue to him the member
6 by reason of his membership in the Maine Judicial Retirement System Program.

7 B. Any member who has withdrawn his that member's accumulated contributions
8 from the Maine Public Employees Retirement System State Employee and Teacher
9 Retirement Program may, subsequent to appointment as a judge and prior to the date
10 any retirement allowance becomes effective for him that member, deposit in the fund
11 by a single payment or by an increased rate of contribution an amount equal to the
12 accumulated contributions withdrawn by him that member together with interest at
13 2% greater than regular interest from the date of withdrawal to the date of repayment.
14 If repayment is made in installments, interest ~~shall continue~~ continues to accrue on
15 the outstanding balance. The member ~~shall be~~ is entitled to all creditable service that
16 ~~he the member~~ the member acquired during his previous membership. In the event any retirement
17 allowance becomes effective before repayment is completed, the member ~~shall be~~ is
18 entitled to credit for that portion of the total of ~~such the~~ the previous creditable service
19 which the total amount of payments actually made bears to the total amount,
20 including interest at 2% greater than regular interest from the date of withdrawal to
21 the date the retirement allowance becomes effective.

22 D. No A person may not receive benefits under both the Maine Judicial Retirement
23 System Program and the Maine Public Employees Retirement System State
24 Employee and Teacher Retirement Program based upon the same period of service.

25 **Sec. 46. 4 MRSA §1303**, as amended by PL 2007, c. 240, Pt. U, §4, is further
26 amended to read:

27 **§1303. State contribution**

28 **1. Payment.** For each member, the State shall pay annually into the fund an amount
29 known as the employer contribution.

30 **2. Employer contribution rate.** The rate of the employer contribution ~~shall be~~ is
31 fixed on the basis of the assets and liabilities of the Maine Judicial Retirement System
32 Program as shown by actuarial valuation and ~~shall be~~ is expressed as a percentage of the
33 annual earnable compensation of each member.

34 A. The employer contribution rate ~~shall represent~~ represents the percentage of the
35 members' compensation payable during periods of membership required to provide
36 the difference between the total liabilities for retirement allowances not provided by
37 the members' contributions and the amount of the assets in the fund.

38 B. The employer contribution rate ~~shall be~~ is determined on actuarial bases adopted
39 by the board of trustees. The rate ~~shall be~~ is determined by the board of trustees after
40 each valuation and ~~shall continue~~ continues in force until a new valuation is made.

41 **3. State contribution procedure.** The board of trustees shall submit budget
42 estimates to the State Budget Officer in accordance with Title 5, section 1665. On each

1 payroll for judges from which retirement contributions are deducted, the State Controller
2 shall cause a charge to be made of an amount or amounts in payment of the state costs of
3 all charges related to the ~~Maine~~ Judicial Retirement System Program and which shall
4 must be credited to the appropriate accounts of the fund. Percentage rates to be
5 predetermined by the actuary and approved by the board of trustees shall must be applied
6 to the total gross salaries of members appearing on those payrolls and the resultant
7 charges shall must be periodically credited to the retirement fund.

8 **4. Minimum amount of employer contribution.** The aggregate payment by the
9 State into the fund must be at least sufficient to provide the benefits payable out of the
10 fund and the administrative operating expenses of the ~~Maine~~ Judicial Retirement System
11 Program during the current year.

12 **Sec. 47. 4 MRSA §1305-A, sub-§1, ¶C,** as amended by PL 2007, c. 58, §3 and
13 enacted by c. 137, §7, is further amended to read:

14 C. An application for refund is void if the member filing the application returns to
15 membership in any retirement ~~plan~~ program administered by the Maine Public
16 Employees Retirement System before issuance of the payment; and

17 **Sec. 48. 4 MRSA §1306,** as enacted by PL 2003, c. 486, §2, is amended to read:

18 **§1306. Back contribution for certain days off without pay**

19 **1. Election.** If the ~~Maine Judicial~~ Public Employees Retirement System determines
20 at the time a member retires that the member's benefit would be increased as a result of
21 the inclusion of compensation that would have been paid for fiscal year 2002-03 days off
22 without pay as described in section 1201, subsection 3, the retirement system shall advise
23 the member of that result and shall allow the member to elect to have that compensation
24 included in the calculation of the member's benefit and to make payments as set forth in
25 subsection 2.

26 **2. Payment.** The amount that a member who makes the election permitted in
27 subsection 1 must pay is the amount equal to the employee contribution that person
28 would have made on wages that would have been paid to that person on the days off
29 without pay during the 2002-03 fiscal year as described in section 1201, subsection 3,
30 plus interest at the same rate as that required for payment of back contributions pursuant
31 to Title 5, section 17704, subsection 3. If the member elects to make the payment, the
32 ~~Maine Judicial~~ Public Employees Retirement System shall withhold the required amount
33 from the member's first retirement benefit check.

34 **3. Benefit calculation.** If the member fails to make the election within 31 days of
35 the notification provided under subsection 1, the ~~Maine Judicial~~ Public Employees
36 Retirement System shall calculate the member's retirement benefit without inclusion of
37 the days off without pay during the 2002-03 fiscal year.

38 **Sec. 49. 4 MRSA §1353, sub-§1-A,** as amended by PL 1997, c. 384, §1, is
39 further amended to read:

40 **1-A. Eligibility for disability.**

1 A. A member with less than 5 years of continuous creditable service immediately
2 preceding ~~his~~ an application for a disability allowance is not eligible for that
3 disability retirement allowance if that disability is the result of a physical or mental
4 condition which existed prior to the ~~persons~~ person's latest membership in a
5 retirement program of the system Maine Public Employees Retirement System,
6 unless the disability is a result of, or has been substantially aggravated by, an injury
7 or accident received in the line of duty.

8 **Sec. 50. 4 MRSA §1353, sub-§4, ¶C**, as amended by PL 1983, c. 863, Pt. B,
9 §§26 and 45, is further amended to read:

10 C. The executive director may require the beneficiary to undergo annual medical
11 examinations or tests for the purpose of determining whether the beneficiary is
12 incapacitated. These examinations or tests ~~shall~~ must be conducted by a qualified
13 physician, mutually agreed upon by the executive director and beneficiary, at a place
14 also mutually agreed upon, and the costs of the examination or tests ~~shall~~ must be
15 paid by the Maine ~~Judicial~~ Public Employees Retirement System. If the beneficiary
16 refuses to submit to an examination or tests, ~~his~~ the beneficiary's disability allowance
17 ~~shall cease~~ ceases until ~~he~~ the beneficiary agrees to the examination or tests. If ~~his~~
18 the beneficiary's refusal continues for one year, all rights to any further benefits under
19 this section ~~shall~~ terminate.

20 **Sec. 51. 4 MRSA §1353, sub-§5**, as amended by PL 1983, c. 863, Pt. B, §§26
21 and 45, is further amended to read:

22 **5. Earnings.** The executive director may require each disability beneficiary to
23 submit an annual statement of earnings received from any gainful occupation during that
24 year. For any year during which the total of those earnings and the disability allowance
25 exceeds the current salary of the position ~~which he~~ that the disabled beneficiary last held,
26 the excess ~~shall~~ must be deducted from any disability retirement allowance payments
27 made to the beneficiary during the next calendar year. These deductions ~~shall be~~ are
28 prorated on a monthly basis, in an equitable manner prescribed by the board of trustees,
29 over the year or part of the year for which benefits are received. The beneficiary ~~shall be~~
30 is responsible for reimbursing the Maine ~~Judicial~~ Public Employees Retirement System
31 for any excess earnings not so deducted.

32 If a beneficiary does not submit an earnings statement within 30 days of receiving a
33 request from the executive director, ~~his~~ the disability retirement allowance ~~shall be~~ is
34 discontinued until the statement is submitted. If the statement is not submitted within one
35 year of receiving a request, all ~~his~~ the beneficiary's rights to any further benefits ~~shall~~
36 cease.

37 **Sec. 52. 4 MRSA §1355**, as repealed and replaced by PL 1989, c. 133, §30 and
38 amended by PL 2007, c. 58, §3, is further amended to read:

39 **§1355. Ordinary death benefits**

40 If a member who is in service or a former member who is a recipient of a disability
41 retirement allowance dies, the member's beneficiary, or relative if the member has no
42 designated beneficiary, ~~shall be~~ is entitled to benefits on the same basis as provided for

1 beneficiaries of state employees who are members of the ~~Maine Public Employees~~
2 ~~Retirement System~~ State Employee and Teacher Retirement Program by Title 5, chapter
3 423, subchapter ~~5~~, article 3.

4 **Sec. 53. 4 MRSA §1356**, as repealed and replaced by PL 1989, c. 133, §33 and
5 amended by PL 2007, c. 58, §3, is further amended to read:

6 **§1356. Accidental death benefits**

7 If a member or a former member who is receiving a disability retirement allowance
8 dies as a result of an injury received in the line of duty, benefits ~~shall be~~ are paid on the
9 same basis as provided for members of the ~~Maine Public Employees Retirement System~~
10 State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter ~~5~~,
11 article 5.

12 **Sec. 54. 4 MRSA §1357, sub-§2, ¶D**, as repealed and replaced by PL 1999, c.
13 744, §1 and affected by §17, is amended to read:

14 D. Under Option 4, the qualifying member may elect to have a reduced retirement
15 benefit payable to the qualifying member while alive and at the qualifying member's
16 death to have some benefit other than that available under paragraphs B or C payable
17 to the beneficiary that the qualifying member has designated, if the beneficiary
18 survives the qualifying member. The total value of the benefit paid to the qualifying
19 member during the qualifying member's life plus the benefit paid after the qualifying
20 member's death is the actuarial equivalent of the benefit that the qualifying member
21 would have received without optional modification. The method used to determine
22 the benefit must be approved by the board of trustees, and the beneficiary must be
23 designated by written designation, duly notarized and filed with the executive
24 director on a form provided or specified by the Maine ~~Judicial~~ Public Employees
25 Retirement System.

26 **Sec. 55. 4 MRSA §1357, sub-§2, ¶E**, as enacted by PL 1999, c. 744, §1 and
27 affected by §17, is amended to read:

28 E. Under Option 5, the qualifying member may elect to have a reduced retirement
29 benefit payable in part to the qualifying member and in part to the beneficiary, who
30 must be the sole beneficiary, while both are alive and, at the death of either, to have
31 the higher benefit paid to the survivor for the survivor's life. The total value of the
32 benefit paid to the qualifying member and beneficiary, during the qualifying
33 member's life, plus the benefit to be paid after the death of either is the actuarial
34 equivalent of the benefit that the qualifying member would have received without
35 optional modification. The method used to determine the benefit must be approved
36 by the board of trustees, and the beneficiary must be designated by written
37 designation, duly notarized and filed with the executive director on a form provided
38 or specified by the Maine ~~Judicial~~ Public Employees Retirement System.

39 **Sec. 56. 4 MRSA §1357, sub-§2, ¶F**, as enacted by PL 1999, c. 744, §1 and
40 affected by §17, is amended to read:

1 F. Under Option 6, the qualifying member may elect to have a reduced retirement
2 benefit payable to the qualifying member while alive and, at the qualifying member's
3 death, to have the benefit continued in the same amount for the life of the beneficiary,
4 who must be the sole beneficiary, that the qualifying member has designated by
5 written designation, duly notarized and filed with the executive director on a form
6 provided or specified by the Maine ~~Judicial~~ Public Employees Retirement System, if
7 the beneficiary survives the qualifying member. If the qualifying member's
8 beneficiary predeceases the qualifying member, the qualifying member's benefit must
9 be changed, effective the first day of the month following the date of the beneficiary's
10 death, to be the actuarial equivalent of the benefit that the qualifying member would
11 have received without optional modification. The reduced retirement benefit must be
12 actuarially calculated to reflect the fact that the benefit may be changed to the larger
13 amount should the beneficiary predecease the member.

14 **Sec. 57. 4 MRSA §1357, sub-§2, ¶G**, as enacted by PL 1999, c. 744, §1 and
15 affected by §17, is amended to read:

16 G. Under Option 7, the qualifying member may elect to have a reduced retirement
17 benefit payable to the qualifying member while alive and, at the qualifying member's
18 death, to have the benefit continued at 1/2 that amount for the life of the beneficiary,
19 who must be the sole beneficiary, that the qualifying member has designated by
20 written designation, duly notarized and filed with the executive director on a form
21 provided or specified by the Maine ~~Judicial~~ Public Employees Retirement System, if
22 the beneficiary survives the qualifying member. If the qualifying member's
23 beneficiary predeceases the qualifying member, the qualifying member's benefit must
24 be changed, effective the first day of the month following the date of the beneficiary's
25 death, to the actuarial equivalent of the benefit that the qualifying member would
26 have received without optional modification. The reduced retirement benefit must be
27 actuarially calculated to reflect the fact that the benefit may be changed to the larger
28 amount should the beneficiary predecease the member.

29 **Sec. 58. 4 MRSA §1357, sub-§3**, as enacted by PL 1999, c. 744, §2, is amended
30 to read:

31 **3. One-time change of beneficiary.** If the recipient of a service retirement benefit
32 has elected an optional method of payment under subsection 2, paragraphs B to H, and
33 has designated someone other than a spouse or ex-spouse as sole beneficiary, the
34 recipient is permitted a one-time change in the designated beneficiary, but not in the
35 already elected payment option or in the amount of the benefits under that option, by
36 filing a written designation of the new beneficiary, duly notarized, with the executive
37 director on a form provided or specified by the Maine ~~Judicial~~ Public Employees
38 Retirement System. The change of beneficiary permitted by this subsection may only be
39 made prior to the death of the prior designated beneficiary.

40 A. The benefit payable to the recipient and the new beneficiary must be paid under
41 the same payment option. The amount of the recipient's benefit may not change, and
42 the amount of the new beneficiary's benefit must be the same as the amount of the
43 prior beneficiary's benefit.

1 B. The effective date of the designation of the new beneficiary is the date the
2 designation is received by the executive director. As of the first day of the month
3 following the effective date of the designation of the new beneficiary, the prior
4 beneficiary is no longer entitled to any benefit payment and, if concurrent payment
5 under subsection 2, paragraph E has been elected, the new beneficiary's benefit must
6 become effective on the same date.

7 C. The new beneficiary's entitlement to benefits ceases on the earlier of:

8 (1) The date of the new beneficiary's death; or

9 (2) The date established when the amount of the prior beneficiary's benefit was
10 established, which is the initial commencement date of benefits to the retiree
11 increased by the life expectancy of the prior beneficiary computed in years and
12 months using actuarial equivalence assumptions recommended by the system's
13 actuary.

14 Payment of benefits to the new beneficiary must cease as of the first day of the month
15 following the earlier of subparagraph (1) or (2).

16 **Sec. 59. 4 MRSA §1357, sub-§4, ¶A**, as enacted by PL 1999, c. 744, §2 and
17 affected by §17, is amended to read:

18 A. By written certification of the spouse, duly notarized, on a form provided or
19 specified by the Maine ~~Judicial~~ Public Employees Retirement System indicating that
20 notice has been received from the qualifying member; or

21 **Sec. 60. 4 MRSA §1357, sub-§4, ¶B**, as enacted by PL 1999, c. 744, §2 and
22 affected by §17, is amended to read:

23 B. When notice has been given, but certification by the spouse has not been
24 provided, by written certification of the qualifying member, duly notarized, on a form
25 provided or specified by the Maine ~~Judicial~~ Public Employees Retirement System
26 indicating that notice has been given to the spouse.

27 **Sec. 61. 5 MRSA §17001, sub-§13, ¶D**, as amended by P&SL 1993, c. 67, §1, is
28 further amended to read:

29 D. For a teacher who is eligible for participation in the ~~retirement system~~ State
30 Employee and Teacher Retirement Program who is on a leave of absence while
31 serving as President of the Maine Education Association, "earnable compensation"
32 means the amount that the teacher would have earned if the teacher had remained in a
33 teaching position.

34 **Sec. 62. 5 MRSA §17001, sub-§20**, as amended by PL 1987, c. 256, §2, is
35 further amended to read:

36 **20. Member.** "Member" means any person included in the membership of a
37 retirement program of the retirement system, as provided in chapter 423, subchapter ~~H~~ 2,
38 or chapter 425, subchapter ~~H~~ 2.

1 **Sec. 63. 5 MRSA §17001, sub-§21**, as enacted by PL 1985, c. 801, §§5 and 7, is
2 amended to read:

3 **21. Membership service.** "Membership service" means service rendered while a
4 member of a retirement program of the retirement system on account of which
5 contributions are made and for which credit is allowable under chapter 423, subchapter
6 ~~IV~~ 4 or chapter 425, subchapter ~~IV~~ 4.

7 **Sec. 64. 5 MRSA §17001, sub-§27**, as enacted by PL 1985, c. 801, §§5 and 7, is
8 amended to read:

9 **27. Participating local district.** "Participating local district" means a local district
10 ~~which~~ that has approved the participation of its employees in the Participating Local
11 District Retirement Program of the retirement system under section 18201.

12 **Sec. 65. 5 MRSA §17001, sub-§30-A, ¶A**, as enacted by PL 1991, c. 746, §5
13 and affected by §10, is amended to read:

14 A. Creates or recognizes the right of an alternate payee, or assigns to an alternate
15 payee the right, to receive all or a portion of the benefits payable with respect to a
16 member or retiree under ~~the retirement system~~ any of the programs of the Maine
17 Public Employees Retirement System;

18 **Sec. 66. 5 MRSA §17001, sub-§42, ¶D**, as enacted by PL 1989, c. 550, §2 and
19 repealed and replaced by c. 878, Pt. D, §4, is amended to read:

20 D. Any employee of a public school in a position not included in paragraph A, B or
21 C who was a member of the State Employee and Teacher Retirement Program of the
22 retirement system as a teacher on August 1, 1988, as long as:

23 (1) The employee does not terminate employment; or

24 (2) The employee terminates employment and returns to employment in a
25 position in the same classification within 2 years of the date of termination;

26 **Sec. 67. 5 MRSA §17001, sub-§42, ¶E**, as enacted by PL 1989, c. 550, §2 and
27 repealed and replaced by c. 878, Pt. D, §4, is amended to read:

28 E. Any former employee of a public school in a position not included in paragraph
29 A, B or C who was a member of the State Employee and Teacher Retirement
30 Program of the retirement system as a teacher before August 1, 1988, ~~provided that~~ as
31 long as the former employee returns to employment in a position in the same
32 classification before July 1, 1991; or

33 **Sec. 68. 5 MRSA §17051**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
34 to read:

35 **§17051. Nonapplicability of other retirement benefit laws**

36 No A law outside of this Part ~~which~~ that provides wholly or in part at the expense of
37 the State or of any subdivision of the State for retirement benefits for employees, or for
38 the surviving spouses or other beneficiaries of those employees, may not apply to

1 members or beneficiaries of any of the programs of the retirement system or to the
2 surviving spouses or other beneficiaries of those members or beneficiaries. A member
3 may not receive service credit toward a benefit under this Part and under another system
4 supported wholly or in part by the State for the same service.

5 **Sec. 69. 5 MRSA §17056, sub-§4**, as amended by PL 1989, c. 399, §4, is further
6 amended to read:

7 **4. Additional funds.** If, after review by the actuary of the ~~retirement system~~ State
8 Employee and Teacher Retirement Program, it is determined that additional funds are
9 required to finance in full the accrued retirement benefits for employees described in this
10 section:

11 A. The actuary shall estimate the amount of additional funds necessary to provide
12 full retirement benefits for the period before July 1, 1976; and

13 B. The counties shall provide funds necessary to fulfill this obligation from the
14 retirement allowance funds of those counties.

15 **Sec. 70. 5 MRSA §17057, sub-§3**, as amended by PL 2007, c. 47, §§1 and 2, is
16 further amended to read:

17 **3. Home contact information.** Except as provided in this subsection, records of
18 home contact information of ~~retirement system~~ members; and benefit recipients ~~or of any~~
19 of the programs of the retirement system and of staff members that are in the possession
20 of the retirement system are confidential, not open to public inspection and not public
21 records as defined in Title 1, section 402, subsection 3.

22 A. For purposes of this subsection, "home contact information" means a home
23 address, home telephone number, home facsimile transmission number or home e-
24 mail address.

25 C. This subsection does not apply to the home address of a ~~retirement system~~
26 member or a benefit recipient of any of the programs of the retirement system used
27 only for membership recruitment purposes by a nonprofit or public organization
28 established to provide programs, services and representation to Maine public sector
29 retirees unless the retirement system member or benefit recipient has signed a form
30 made available by the retirement system indicating that the individual does not
31 authorize disclosure of that individual's home address. The retirement system may
32 not provide information under this subsection to an organization if the retirement
33 system has determined that the organization obtained information for the purpose of
34 membership recruitment but used the information for a purpose other than
35 membership recruitment.

36 **Sec. 71. 5 MRSA §17059, sub-§3**, as enacted by PL 1991, c. 746, §9 and
37 affected by §10, is amended to read:

38 **3. Benefits and withdrawal of contributions.** For the purposes of this section,
39 benefits payable with respect to a member or retiree under any of the programs of the
40 retirement system include the types of benefits payable by the retirement system and a
41 withdrawal of contributions from the retirement system.

1 **Sec. 72. 5 MRSA §17061**, as enacted by PL 1991, c. 746, §9 and affected by §10,
2 is amended to read:

3 **§17061. Termination of interest in retirement system**

4 The death of an alternate payee as defined in section 17001, subsection 3-B
5 terminates the interest of the alternate payee in the retirement system. This section does
6 not affect an interest in the retirement system accrued to an individual as a member of a
7 retirement program of the retirement system.

8 **Sec. 73. 5 MRSA §17102, sub-§1, ¶B**, as amended by P&SL 1993, c. 67, §1, is
9 further amended to read:

10 B. A person who is a member of the State Employee and Teacher Retirement
11 Program of the retirement system through employment as a teacher and who is duly
12 elected by the Maine Education Association;

13 **Sec. 74. 5 MRSA §17102, sub-§1, ¶C**, as repealed and replaced by PL 1987, c.
14 256, §4, is amended to read:

15 C. A person who is a member of the State Employee and Teacher Retirement
16 Program of the retirement system through employment as a state employee and who
17 is duly elected by the Maine State Employees' Association;

18 **Sec. 75. 5 MRSA §17102, sub-§1, ¶E**, as amended by PL 1993, c. 410, Pt. L,
19 §17, is further amended to read:

20 E. A person who is a member of the Participating Local District Retirement
21 Program of the retirement system through a participating local district and who ~~must~~
22 be is appointed by the governing body of the Maine Municipal Association.

23 **Sec. 76. 5 MRSA §17102, sub-§10**, as enacted by PL 1985, c. 801, §§5 and 7, is
24 amended to read:

25 **10. Reports.** The board shall publish annually for each fiscal year:

26 A. A report showing the fiscal transactions of the retirement system for the fiscal
27 year and the assets and liabilities of each of the programs of the retirement system at
28 the end of the fiscal year; and

29 B. The actuary's report on the actuarial valuation of the financial condition of each
30 of the programs of the retirement system for the fiscal year.

31 **Sec. 77. 5 MRSA §17103, sub-§6**, as amended by PL 1989, c. 677, §§1 and 3, is
32 further amended to read:

33 **6. Rights, credits and privileges; decisions.** The board shall in all cases make the
34 final and determining administrative decision in all matters affecting the rights, credits
35 and privileges of all members of all programs of the retirement system whether in
36 participating local districts or in the state service.

1 Whenever the board finds that, because of an error or omission on the part of the
2 employer of a member or retired member, a member or retired member is required to
3 make a payment or payments to the retirement system, the board may waive payment of
4 all or part of the amount due from the member or retired member.

5 **Sec. 78. 5 MRSA §17105, sub-§1, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7,
6 is amended to read:

7 C. The executive director shall keep in convenient form whatever data are
8 necessary for actuarial valuation of the various funds of the retirement system and for
9 checking the experience of each of the programs of the retirement system.

10 **Sec. 79. 5 MRSA §17106, sub-§1**, as amended by PL 1995, c. 643, §4, is further
11 amended to read:

12 **1. Establishment.** The board shall designate a medical board or boards each to be
13 composed of 3 physicians not eligible to participate in any of the retirement programs of
14 the retirement system.

15 **Sec. 80. 5 MRSA §17107, sub-§2, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7,
16 is amended to read:

17 C. The actuary shall make annual valuations of the assets and liabilities of each of
18 the programs of the retirement system on the basis of actuarial assumptions adopted
19 by the board.

20 **Sec. 81. 5 MRSA §17107, sub-§2, ¶E**, as amended by PL 2001, c. 181, §5, is
21 further amended to read:

22 E. The actuary shall make whatever investigations the actuary considers necessary
23 of the experience of each of the programs of the retirement system with respect to the
24 factors that affect the cost of the benefits provided by the ~~retirement system~~ those
25 programs.

26 (1) The purpose of the investigations is to determine the actuarial assumptions to
27 be recommended to the board for adoption in connection with actuarial
28 determinations required under this Part.

29 (2-A) These investigations must be made whenever the board, on
30 recommendation of the actuary, determines an investigation to be necessary to
31 the actuarial soundness or prudent administration of the ~~plan program~~ or ~~plans~~
32 programs to which the investigation is related. The determination must take into
33 account ~~plan program~~ demographics and changes in ~~plan program~~ demographics,
34 employment patterns and projections, relevant economic measures and
35 expectations and other factors that the board or actuary considers significant.
36 With respect to the retirement system ~~plan program~~ for state employees and
37 teachers, if 6 fiscal years have elapsed without an investigation being conducted,
38 the board must either conduct an investigation within the next fiscal year or must
39 record in the official minutes of a meeting of the board, in each fiscal year until
40 the year in which an investigation is conducted, its decision not to do so and the
41 reason or reasons for its decision.

1 **Sec. 82. 5 MRSA §17107, sub-§2, ¶F**, as amended by PL 1987, c. 402, Pt. A,
2 §§68 and 69, is further amended to read:

3 F. The actuary shall determine the equivalent cash compensation value to the
4 members of the programs of the retirement system of the benefits provided for them
5 by ~~the retirement system~~ those programs and shall furnish that information to the
6 Director of Human Resources.

7 **Sec. 83. 5 MRSA §17151**, as enacted by PL 1985, c. 801, §§5 and 7 and amended
8 by PL 2007, c. 58, §3, is further amended to read:

9 **§17151. Legislative findings and intent**

10 **1. Findings.** The Legislature finds that the State owes a great debt to its retired
11 employees for their years of faithful and productive service.

12 A. Part of that debt is repaid by the benefits provided to retirees through the ~~Maine~~
13 ~~Public Employees Retirement System~~ State Employee and Teacher Retirement
14 Program.

15 B. Retirees, who depend heavily on these benefits, and current employees, who will
16 one day retire and receive benefits, are concerned about the financial viability of the
17 retirement ~~system~~ program.

18 **2. Intent.** It is the intent of the Legislature that there must be appropriated and
19 transferred annually to the retirement system the funds necessary to meet the ~~system's~~
20 State Employee and Teacher Retirement Program's long-term and short-term financial
21 obligations based on the actuarial assumptions established by the board upon the advice
22 of the actuary. The amount of the unfunded liability attributable to state employees and
23 teachers as of July 1, 2004, as certified by the board or as that amount may be revised in
24 accordance with the terms of the certification, must be retired in no more than 23 years
25 from June 30, 2005. For fiscal year 2004-05, the Legislature must appropriate or allocate
26 and there must be transferred to the retirement system funds necessary to institute, as of
27 July 1, 2005, the 23-year amortization schedule. For each fiscal year starting with the
28 fiscal year that begins July 1, 2005, the Legislature shall appropriate or allocate and
29 transfer to the retirement system the funds necessary to meet the 23-year requirement set
30 forth in this subsection, unless the Legislature establishes a different amortization period.
31 Funds that have been appropriated must be considered assets of the retirement system.

32 A. The goal of the actuarial assumptions is to achieve a fully funded retirement
33 ~~system~~ program.

34 B. The ~~retirement system's~~ State Employee and Teacher Retirement Program's
35 unfunded liability for persons formerly subject to the Maine Revised Statutes of
36 1944, chapter 37, sections 212 to 220 must be repaid to the system from annual
37 appropriations over the funding period of the ~~retirement system~~ program.

38 C. This section may not be construed to require the State to appropriate and transfer
39 funds to meet the obligations of participating local districts to the retirement system.

1 **Sec. 84. 5 MRSA §17153, sub-§1-A**, as amended by PL 1991, c. 528, Pt. P, §2
2 and affected by Pt. RRR and amended by c. 591, Pt. P, §2, is further amended to read:

3 **1-A. Actuarially sound basis.** The board shall calculate the funds necessary to
4 maintain all programs of the retirement system on an actuarially sound basis, including
5 the unfunded liability arising from payment of benefits for which contributions were not
6 received and shall transmit those calculations to the State Budget Officer as required by
7 chapter 149.

8 A. For benefits applicable to state employees, teachers or participating local district
9 employees that are established through collective bargaining, the board shall apply
10 the funding methods and assumptions adopted by the board pursuant to this
11 subsection.

12 B. The Legislature shall appropriate and transfer annually those funds the board
13 determines to be necessary under this subsection to maintain the programs of the
14 retirement system on an actuarially sound basis, except that for fiscal year 1991-92
15 the annual appropriation must be \$73,500,000 less than the amount that would
16 otherwise be applied toward the repayment of the unfunded liability of the ~~system~~
17 State Employee and Teacher Retirement Program.

18 C. This subsection may not be construed to require the State to appropriate and
19 transfer funds to meet the obligations of participating local districts to the retirement
20 system.

21 **Sec. 85. 5 MRSA §17154, sub-§6**, as amended by PL 2007, c. 240, Pt. U, §6, is
22 further amended to read:

23 **6. Payment of employer charges for teachers.** For teachers, percentage rates to be
24 predetermined by the actuary and approved by the board must be applied to the total
25 earnable compensation of members covering the most recent school year preceding the
26 preparation of the biennial budget.

27 A. The resulting amount must be appropriated and credited to the appropriate funds.

28 B. Notwithstanding this section, the employer retirement costs and administrative
29 operating expenses related to the retirement ~~plans~~ programs applicable to those
30 teachers whose funding is provided from federal grants or through federal
31 reimbursement must be paid by local school systems from those federal funds.

32 C. Notwithstanding this section, the employer retirement costs and administrative
33 operating expenses related to the retirement ~~plan~~ program applicable to those teachers
34 who are permitted to continue to accrue service credit while on a one-year leave of
35 absence and participating in the education of prospective teachers by teaching and
36 supervising students enrolled in college-level teacher preparation programs in this
37 State must be paid from funds provided by the college employing the teacher during
38 that year.

39 D. Notwithstanding this section, the employer retirement costs and administrative
40 operating expenses related to the retirement ~~plan~~ program applicable to a teacher who
41 is permitted to continue to accrue service credit while on a leave of absence and
42 serving as President of the Maine Education Association must be paid from funds

1 provided by the Maine Teachers Association. For purposes of this paragraph, in
2 computing the employer cost, "earnable compensation" means the amount that the
3 teacher would have earned if the teacher had remained in a teaching position.

4 E. Notwithstanding this section, the employer retirement costs and administrative
5 operating expenses related to the retirement ~~plans~~ program applicable to those
6 teachers whose funding is provided directly or through reimbursement from private
7 or public grants must be paid by local school systems from those funds. "Public
8 grants" does not include state or local funds provided to school administrative units
9 under Title 20-A, chapters 315 and 606-B.

10 F. Notwithstanding this section, effective September 1, 1993, the employer
11 retirement costs and administrative operating expenses related to the retirement ~~plans~~
12 program, less the unfunded liability, that are applicable to a teacher who is permitted
13 to continue to accrue service credit while on released time and serving as president of
14 a recognized or certified collective bargaining agent representing teachers must be
15 paid from funds provided by the collective bargaining agent or school administrative
16 unit. For purposes of this paragraph, in computing the employer cost, "earnable
17 compensation" means the amount that the teacher would have earned if the teacher
18 had remained in a teaching position.

19 **Sec. 86. 5 MRSA §17158**, as amended by PL 1987, c. 739, §§6 and 48 and PL
20 2007, c. 58, §3, is further amended to read:

21 **§17158. Full funding**

22 Upon full funding of the accrued unfunded reserves of any program of the Maine
23 Public Employees Retirement System, the board of trustees may reduce employer
24 contributions to the level required to maintain proper funding of earned benefits. The
25 board of trustees may also seek legislative action to reduce employee contributions or
26 pick-up contributions established by this Part.

27 **Sec. 87. 5 MRSA §17160**, as enacted by PL 2001, c. 707, §1 and amended by PL
28 2007, c. 58, §3, is further amended to read:

29 **§17160. Minimum level of employer contribution**

30 **1. Portion of employer contribution.** Beginning in fiscal year 2002-03 and
31 continuing until the unfunded liabilities of the ~~Maine Public Employees Retirement~~
32 ~~System~~ State Employee and Teacher Retirement Program attributable to state employees
33 and teachers, as defined in the Constitution of Maine, Article IX, Section 18-B, are
34 retired, within the term provided in Section 18-B or within any shorter term provided by
35 statute, the portion of the employer contribution amount devoted to paying the unfunded
36 liabilities of the ~~system~~ program attributable to state employees and teachers may not be
37 less than the amount paid for that purpose during the immediately preceding fiscal year.

38 A. In circumstances in which the unfunded liability amount to be paid in a given
39 year would be less than the amount paid in the immediately preceding year, the Board
40 of Trustees of the Maine Public Employees Retirement System shall request the
41 system's actuary to recommend a methodology to adjust ~~plan~~ program funding in

1 order to realize payment of the required amount. The methodology for adjustment
2 must be actuarially sound in itself and may not jeopardize the actuarial soundness of
3 the ~~system program~~ or its funding.

4 B. If the system's actuary determines pursuant to paragraph A that no methodology
5 meeting the requirements of this subsection can be identified, then the requirement
6 that the unfunded liability payment in a given year may not be less than the amount
7 paid in the immediately preceding fiscal year applies only to the General Fund
8 portion of the unfunded liability payment. A General Fund appropriation in the
9 amount of the difference between the General Fund portions of the unfunded liability
10 payment in the 2 years in question must be sought.

11 **Sec. 88. 5 MRSA §17203, sub-§1**, as amended by PL 1981, c. 185, §1, is further
12 amended to read:

13 **1. Certification and deduction.** The board shall certify to the chief administrative
14 officer of each department, school and participating local district and the chief
15 administrative officer shall cause to be deducted from the compensation of each member
16 on each payroll of the department, school or participating local district for each payroll
17 period, the appropriate percentage of earnable compensation to be contributed.

18 A. Amounts deducted from the compensation of state employees shall must
19 be credited to the ~~retirement system~~ State Employee and Teacher Retirement Program
20 in the same manner and at the same time that employer charges are credited to ~~the~~
21 ~~retirement system~~ that program as provided by section 17154, subsection 5.

22 B. Amounts deducted from the compensation of teachers must be paid to the
23 ~~retirement system~~ State Employee and Teacher Retirement Program by the chief
24 administrative officer of each school administrative unit monthly in accordance with
25 rules of the board. Delinquent payments due under this paragraph:

26 (1) May be subject to a late fee as directed by the board and interest at a rate, to
27 be set by the board and paid by the school administrative unit, not to exceed
28 regular interest by 5 or more percentage points;

29 (2) May be recovered by action in a court of competent jurisdiction against the
30 school administrative unit; or

31 (3) May, at the request of the retirement system, be deducted from any other
32 money payable to that school administrative unit.

33 C. Payment of members' contributions to the ~~retirement system~~ Participating Local
34 District Retirement Program by participating local districts is governed by sections
35 18301 to 18303.

36 **Sec. 89. 5 MRSA §17203, sub-§3**, as amended by PL 1987, c. 739, §§7 and 48,
37 is further amended to read:

38 **3. Member's consent.** ~~Every~~ It is deemed that every member ~~shall be deemed to~~
39 ~~consent~~ has consented to allow the chief administrative officer of ~~his~~ the member's
40 department, school or participating local district to make deductions from the member's

1 compensation or to make pick-up contributions to satisfy the member's required
2 contribution to the applicable retirement system program.

3 **Sec. 90. 5 MRSA §17206**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
4 to read:

5 **§17206. Statement of account**

6 The executive director shall furnish to each member of the retirement programs of the
7 retirement system, upon request, a statement showing the amount of accumulated
8 contributions to the member's credit in ~~his~~ the member's individual account in the
9 Members' Contribution Fund.

10 **Sec. 91. 5 MRSA §17253, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
11 amended to read:

12 The percentage rate of the employer contribution, described in section 17252, to be
13 known as the "employer contribution rate," ~~shall be~~ is fixed on the basis of the assets and
14 liabilities of the retirement ~~system programs of the Maine Public Employees Retirement~~
15 System as shown by actuarial valuation.

16 **Sec. 92. 5 MRSA §17601, sub-§1, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
17 is amended to read:

18 A. A statement showing the name, title, compensation, sex, date of birth and length
19 of service of each member of the ~~retirement system~~ State Employee and Teacher
20 Retirement Program in that department and any other information required to
21 administer this Part in the format specified by the executive director; and

22 **Sec. 93. 5 MRSA §17602** is enacted to read:

23 **§17602. Name, establishment and purpose**

24 There is established the State Employee and Teacher Retirement Program, which has
25 the powers and privileges of a corporation.

26 The purpose of the State Employee and Teacher Retirement Program is to provide
27 retirement allowances and other benefits under this chapter for state employees and
28 teachers.

29 **Sec. 94. 5 MRSA §17651**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
30 to read:

31 **§17651. Mandatory membership**

32 All state employees shall and teachers become members of the ~~retirement system~~
33 State Employee and Teacher Retirement Program as a condition of their employment.

34 **Sec. 95. 5 MRSA §17652**, as amended by PL 2007, c. 58, §3 and c. 305, §§2 and
35 3, is further amended to read:

1 **§17652. Optional membership**

2 **1. Elected and appointed officials.** Membership in the ~~retirement-system~~ State
3 Employee and Teacher Retirement Program is optional for elected officials or officials
4 appointed for a fixed term.

5 **2. Delayed election of membership.** A person, including a substitute teacher, who
6 elects not to join the ~~retirement-system~~ State Employee and Teacher Retirement Program
7 at the beginning of that person's employment may at any time apply for and be admitted
8 to membership.

9 A-1. A person who joins the ~~retirement-system~~ State Employee and Teacher
10 Retirement Program under this subsection may purchase service credit for the period
11 during which the person served as an elected official or official appointed for a fixed
12 term or was employed as a substitute teacher but was not a member of the ~~retirement~~
13 system program.

14 B. Membership service credit for persons joining the ~~retirement-system~~ State
15 Employee and Teacher Retirement Program under this subsection begins as of the
16 effective date of first contributions or pick-up contributions to the system program.

17 C. This subsection applies to any member who begins membership after December
18 31, 1985.

19 **2-A. Reentry.** A person whose membership is optional and who becomes a member
20 after having previously withdrawn from the ~~retirement-system~~ State Employee and
21 Teacher Retirement Program may purchase service credit for the time served in eligible
22 service as follows. If qualified under both paragraphs A and B, the person may purchase
23 time under both paragraphs.

24 A. If the person withdrew accumulated contributions at the time of withdrawal, the
25 person may repurchase that prior service credit by repaying those contributions
26 pursuant to section 17703.

27 B. For the purchase of time for which the person was not a member, the person
28 must pay the amount set forth in section 17704-A.

29 **3. Certain employees of the Maine Community College System.** Notwithstanding
30 section 17651, membership in the ~~retirement-system~~ State Employee and Teacher
31 Retirement Program is optional for employees of the Maine Community College System
32 who are eligible to participate in a retirement plan pursuant to Title 20-A, section 12722.

33 **4. Limitation on election to join or rejoin State Employee and Teacher**
34 **Retirement Program.** Notwithstanding any other law, confidential employees of the
35 Maine Community College System who are not represented in a collective bargaining
36 unit may join or rejoin the ~~system~~ State Employee and Teacher Retirement Program
37 under this section only upon the written authorization of the Board of Trustees of the
38 Maine Community College System. The board of trustees shall authorize the person to
39 join or rejoin the ~~retirement-system~~ State Employee and Teacher Retirement Program
40 when the Maine Community College System Office or other Maine Community College
41 System entity that employs the individual seeking to join or rejoin has identified and

1 designated the funds necessary to pay for the cost of that person's joining or rejoining the
2 ~~retirement system~~ program.

3 **5. Certain members of the Maine National Guard.** A member of the Maine
4 National Guard who is not governed by section 17651 and who is on active state service
5 for more than 5 consecutive days pursuant to Title 37-B may elect to be a member of the
6 ~~Maine Public Employees Retirement System~~ State Employee and Teacher Retirement
7 Program. A member of the Maine National Guard on active state service pursuant to
8 Title 37-B who does not elect to participate in the ~~Maine Public Employees Retirement~~
9 ~~System~~ State Employee and Teacher Retirement Program or is not eligible to participate
10 in the ~~Maine Public Employees Retirement System~~ State Employee and Teacher
11 Retirement Program shall participate in the United States Social Security System. Once a
12 member of the Maine National Guard makes an election under this subsection, that
13 election is irrevocable. A member of the Maine National Guard on active state service
14 pursuant to Title 37-B may participate in the tax-deferred arrangement of chapter 67.

15 **6. Substitute teachers.** Notwithstanding section 17651, membership in the
16 ~~retirement system~~ State Employee and Teacher Retirement Program is optional for
17 substitute teachers. The right of a substitute teacher to rejoin the ~~retirement system~~
18 program is limited to 2 occurrences.

19 **Sec. 96. 5 MRSA §17654, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
20 amended to read:

21 A member ceases to be a member of the ~~retirement system~~ State Employee and
22 Teacher Retirement Program if the member:

23 **Sec. 97. 5 MRSA §17656**, as amended by PL 2005, c. 636, Pt. B, §1 and c. 668,
24 §1, is further amended to read:

25 **§17656. Employment changes affecting membership**

26 **1. Reemployment with new employer.** Membership of a member who is
27 reemployed with a new employer is governed as follows:

28 A. Any member of the ~~retirement system~~ State Employee and Teacher Retirement
29 Program or the Participating Local District Retirement Program whose service is
30 terminated as a state employee, teacher or participating local district employee and
31 who becomes employed as a state employee, teacher or participating local district
32 employee with a new employer shall, if ~~he~~ the member has not previously withdrawn
33 ~~his~~ the member's accumulated contributions:

34 (1) Have ~~his~~ the membership transferred to ~~his~~ the member's account with the
35 new employer; and

36 (2) Be entitled to all benefits ~~which~~ that:

37 (a) Are based on creditable service and earnable compensation with the
38 previous employer and the provisions of this Part in effect with respect to the
39 previous employer at the date of termination of service by the member; and

- 1 (b) Do not require additional contributions by the new employer.
- 2 B. The new employer may elect to include the creditable service and earnable
3 compensation of the member with the previous employer with the creditable service
4 and earnable compensation with the new employer. If that election is made, the new
5 employer shall make, from time to time, whatever contributions are necessary to
6 provide the benefits under the applicable retirement system program for the member
7 as have accrued to the member by reason of ~~his~~ the member's previous employment
8 and as may accrue to the member by reason of ~~his~~ the member's new employment.
- 9 C. If the new employer makes the election provided under paragraph B, all funds in
10 the applicable retirement system program contributed by the member's former
11 employer on account of the member's previous employment must be transferred to
12 the account of the new employer and must be used to liquidate the liability incurred
13 by reason of the previous employment.
- 14 D. If the plan from which the member is transferring and the plan to which the
15 member is transferring are both plans described in section 286-M, subsection 3,
16 paragraph A, subparagraph (3), the member may elect to make the contribution
17 necessary to include all or part of the member's creditable service and earnable
18 compensation from the prior plan in the new plan. The retirement system shall
19 establish procedures for determining the contribution necessary for such a member to
20 carry forward all or part of the creditable service and earnable compensation from a
21 prior plan or plans.

22 **2. Reemployment of public safety communications dispatchers with Department**
23 **of Public Safety.** Notwithstanding subsection 1, a member of the ~~retirement system~~ State
24 Employee and Teacher Retirement Program whose previous membership was based upon
25 employment as a public safety communications dispatcher with a participating local
26 district and whose employment with the participating local district was terminated as a
27 result of the consolidation of the participating local district's public safety dispatching
28 services with the Department of Public Safety and who then becomes employed as a
29 public safety communications dispatcher for the department may elect to include that
30 previously earned creditable service with service earned as a state employee if that
31 member:

- 32 A. Makes a one-time, irrevocable election no later than 30 days after commencing
33 employment as a public safety communications dispatcher for the Department of
34 Public Safety; and
- 35 B. Has not previously withdrawn all of the member's accumulated contributions.

36 If a member makes the election provided in this subsection, the State shall make whatever
37 contribution is necessary to provide the benefits under the ~~retirement system~~ State
38 Employee and Teacher Retirement Program for the member as though the previous
39 employment had been as a state employee, and all funds in the ~~retirement system~~
40 Participating Local District Retirement Program contributed by the member's former
41 employer on account of the member's previous employment must be transferred to the
42 account of the State and must be used to liquidate the liability incurred by reason of the
43 previous employment.

1 Upon notification by the Department of Public Safety to the retirement system that an
2 employee has made an election under this subsection, the retirement system shall
3 calculate and provide to the Department of Public Safety the amount of the employer
4 contribution required under this subsection.

5 A member who makes the election provided in this subsection and for whom applicable
6 additional employer contributions have been paid is entitled to include the creditable
7 service and earnable compensation with the previous employer with the creditable service
8 and earnable compensation with the State for the purposes of benefit qualification under
9 section 17851 and computation of benefits under section 17852.

10 **Sec. 98. 5 MRSA §17657, sub-§1**, as amended by PL 1987, c. 739, §§12 and 48,
11 is further amended to read:

12 **1. Membership in the State Employee and Teacher Retirement Program.** The
13 following persons are considered members of the ~~retirement system~~ State Employee and
14 Teacher Retirement Program if they make payments to the Members' Contribution Fund
15 in the same amounts and during the same periods as other state employees have made to
16 that fund, either through direct contributions or pick-up contributions:

17 A. Any person who was an employee on December 31, 1941, and who was
18 transferred to the federal employment service; and

19 B. Any person employed by the federal employment service after December 31,
20 1941, who subsequently became a state employee at or after the date on which the
21 federal employment service was returned to the State as an operating unit.

22 **Sec. 99. 5 MRSA §17658, sub-§1**, as amended by PL 1987, c. 739, §§13 and 48,
23 is further amended to read:

24 **1. Membership in the State Employee and Teacher Retirement Program.** Any
25 person who was an employee on December 31, 1941, and who later transferred to the
26 Maine National Guard and was employed under the National Defense Act of June 3,
27 1916, section 90, is considered a member of the ~~retirement system~~ State Employee and
28 Teacher Retirement Program if that person makes payments to the Members'
29 Contribution Fund in the same amounts and during the same periods as other state
30 employees have made to that fund, either through direct contributions or pick-up
31 contributions.

32 **Sec. 100. 5 MRSA §17701, first ¶**, as amended by PL 1987, c. 739, §§14 and 48,
33 is further amended to read:

34 Each member shall contribute to the ~~retirement system~~ State Employee and Teacher
35 Retirement Program or have pick-up contributions made at a rate of 6.5% of earnable
36 compensation, except as otherwise provided in this Part.

37 **Sec. 101. 5 MRSA §17701, sub-§2**, as enacted by PL 1987, c. 739, §§14 and 48,
38 is amended to read:

1 **2. No employee option.** The employee may not choose to receive pick-up
2 contribution amounts directly instead of having them paid by the employer to the ~~system~~
3 State Employee and Teacher Retirement Program.

4 **Sec. 102. 5 MRSA §17701, sub-§2-A**, as enacted by PL 1987, c. 739, §§14 and
5 48 and amended by PL 2007, c. 58, §3, is further amended to read:

6 **2-A. Optional members.** If a person, whose membership in the ~~Maine Public~~
7 ~~Employees Retirement System~~ State Employee and Teacher Retirement Program is
8 optional under section 17652, elects a 5% salary increase in lieu of state payment of the
9 retirement contribution, pursuant to Public Law 1981, chapter 453, and chooses to
10 participate in the ~~Maine Public Employees Retirement System~~ State Employee and
11 Teacher Retirement Program, the State shall pick up the retirement contribution with a
12 reduction of the member's salary consistent with section 17001, subsection 28-A.

13 **Sec. 103. 5 MRSA §17701-A**, as enacted by PL 1991, c. 780, Pt. HHH, §1 and
14 affected by §11, is amended to read:

15 **§17701-A. Member contributions; members hired after July 1, 1992**

16 Notwithstanding section 17701, a member hired after July 1, 1992 shall contribute to
17 the ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-up
18 contributions made at a rate of 7.5% of earnable compensation, except as otherwise
19 provided in this Part.

20 **Sec. 104. 5 MRSA §17701-B**, as enacted by PL 1993, c. 410, Pt. L, §28, is
21 amended to read:

22 **§17701-B. Member contributions on and after July 1, 1993**

23 Notwithstanding sections 17701 and 17701-A, on and after July 1, 1993 all members
24 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
25 Program or have pick-up contributions made at a rate of 7.65% of earnable compensation
26 except as otherwise provided in this Part.

27 **Sec. 105. 5 MRSA §17702, first ¶**, as amended by PL 1991, c. 780, Pt. HHH, §2
28 and affected by §11 and amended by PL 2007, c. 58, §3, is further amended to read:

29 Notwithstanding any other provision in this Part, except as provided in subsection 5,
30 the State may agree to provide for members, pursuant to law, through a collective
31 bargaining contract, or as the Legislative Council may agree to provide for approved
32 legislative employees, payment for a member's mandatory contribution to the ~~Maine~~
33 ~~Public Employees Retirement System~~ State Employee and Teacher Retirement Program,
34 as established by section 17701, instead of deducting the contribution from the member's
35 compensation or having the contribution picked up by the employer.

36 **Sec. 106. 5 MRSA §17702, sub-§4**, as enacted by PL 1985, c. 801, §§5 and 7, is
37 amended to read:

1 **4. Percentage rate.** When the State pays for a member's mandatory contribution, as
2 authorized by this section, the percentage rate paid by the State ~~shall~~ must be that rate,
3 determined by the actuary and approved by the board, ~~which that~~ that provides the same net
4 revenues to the ~~retirement system~~ State Employee and Teacher Retirement Program as
5 the applicable mandatory rate paid by the member.

6 **Sec. 107. 5 MRSA §17702, sub-§6,** as enacted by PL 1993, c. 410, Pt. L, §29, is
7 amended to read:

8 **6. Member contributions on and after July 1, 1993.** On and after July 1, 1993 all
9 members whose contributions are paid by the State in lieu of the member contribution
10 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
11 Program or have pick-up contributions made at a rate of 1.15% of earnable compensation
12 in addition to the amount paid by the State.

13 **Sec. 108. 5 MRSA §17703, sub-§2,** as amended by PL 1989, c. 710, §3, is
14 further amended to read:

15 **2. Manner of repayment.** The repayment must be made to the applicable
16 retirement system program by a single direct payment or by annual direct payments.
17 Annual repayments must be made as provided in section 17701, subsection 4.

18 **Sec. 109. 5 MRSA §17704, sub-§2,** as amended by PL 1989, c. 710, §4, is
19 further amended to read:

20 **2. Manner of payment.** The payment must be made to the ~~retirement system~~ State
21 Employee and Teacher Retirement Program by a single direct payment or by annual
22 direct payments. Annual payments must be made as provided in section 17701,
23 subsection 4.

24 **Sec. 110. 5 MRSA §17704-A, first ¶,** as amended by PL 2007, c. 305, §4, is
25 further amended to read:

26 An elected official, an official appointed for a fixed term or a substitute teacher who
27 began membership after December 31, 1985 may purchase service credit for the period
28 during which that person elected not to be a member of the ~~retirement system~~ State
29 Employee and Teacher Retirement Program if the following requirements are met.

30 **Sec. 111. 5 MRSA §17704-A, sub-§3,** as enacted by PL 1995, c. 180, §3, is
31 further amended to read:

32 **3. Method of payment.** The payment must be made to the ~~retirement system~~ State
33 Employee and Teacher Retirement Program by a single direct payment or by annual
34 direct payments. Annual payments must be made as provided in section 17701,
35 subsection 4.

36 **Sec. 112. 5 MRSA §17705-A, sub-§1,** as enacted by PL 2007, c. 137, §11, is
37 amended to read:

1 **1. Conditions for refund.** If the service of any member has terminated, except by
2 death or by retirement under this Part, or if an optional member withdraws from ~~the a~~
3 retirement system program of the Maine Public Employees Retirement System, the
4 member must be paid the amount of the member's accumulated contributions under the
5 following conditions:

6 A. The member must have properly applied for a refund of accumulated
7 contributions;

8 B. Payment must be made after termination of service and not less than 22 days nor
9 more than 60 days after receipt of the application and receipt of the last payroll upon
10 which the name of the member appears;

11 C. An application for refund is void if the member filing the application returns to
12 membership in any retirement ~~plan~~ program administered by the retirement system
13 before issuance of the payment;

14 D. Except when inclusion of a portion of employer contributions is required by
15 paragraph E, only accumulated contributions made by the member or picked up by
16 the employer may be refunded to that member under this subsection; and

17 E. The amount of the refund of accumulated contributions related to a member's
18 compensation for service rendered as a part-time, seasonal or temporary employee
19 after December 31, 1991 must be at least equal to 7.5% of the member's
20 compensation for that service plus interest as provided by section 17156.

21 **Sec. 113. 5 MRSA §17706-A, sub-§1**, as enacted by PL 2007, c. 137, §13, is
22 amended to read:

23 **1. Conditions for refund.** The retirement system may make an automatic refund of
24 contributions to a member who has not properly applied for a refund as provided in
25 section 17705-A and who has terminated service, except by death or by retirement under
26 this Part, or who as an optional member has withdrawn from ~~the a~~ retirement system
27 program of the Maine Public Employees Retirement System, and who has not met the
28 minimum creditable service requirement for eligibility to receive a service retirement
29 benefit at the applicable age under the following conditions:

30 A. The member account ~~in the retirement system~~ has been inactive for 3 or more
31 years;

32 B. Except when inclusion of a portion of employer contributions is required by this
33 subsection, only accumulated contributions made by the member or picked up by the
34 employer may be refunded to that member under this subsection;

35 C. The amount of the refund of accumulated contributions related to a member's
36 compensation for service rendered as a part-time, seasonal or temporary employee
37 after December 31, 1991 must be at least equal to 7.5% of the member's
38 compensation for that service plus interest as provided by section 17156; and

39 D. A member who receives an automatic refund under this subsection may, within
40 30 days of the issuance of the refund, return the full refunded amount to the

1 retirement system. Upon receipt, the retirement system shall restore the accumulated
2 contributions to the member's credit.

3 **Sec. 114. 5 MRSA §17707**, as amended by PL 1999, c. 241, §1, is further
4 amended to read:

5 **§17707. CETA service**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "CETA employee" means an employee enrolled in a program under the United
9 States Comprehensive Employment and Training Act of 1973, as amended.

10 B. "Employer" means the State or the participating local district with which the
11 CETA employee is placed for training and employment.

12 C. "Prime sponsor" means the CETA prime sponsor, a unit of government
13 responsible for planning and operating all CETA programs within the geographic
14 jurisdiction encompassed by that unit of government.

15 **2. Eligibility for membership.** CETA employees are considered eligible for
16 membership in the ~~retirement system~~ State Employee and Teacher Retirement Program
17 from the date of their enrollment in a CETA program, whether or not they become
18 members.

19 **3. Employer's contributions.** Employer's contributions are governed as follows.

20 A. Notwithstanding this subchapter, subchapter ~~H 2~~ and chapter 421, subchapter ~~IV~~
21 4, neither the State nor a participating local district is required to contribute to ~~the a~~
22 retirement system program of the Maine Public Employees Retirement System for
23 CETA employees.

24 B. If an employee elects, under section 17761, to purchase ~~his~~ the employee's
25 CETA time for past creditable service, the employee's CETA prime sponsor shall
26 then pay to the applicable retirement system program an amount equal to the
27 employer's contribution, plus regular interest, for the employee's CETA time, using
28 only CETA funds.

29 **4. Employee's contributions.** Employee's contributions are governed as follows.

30 A. Notwithstanding section 17701, a CETA employee is not required to contribute
31 to ~~the a~~ retirement system program of the Maine Public Employees Retirement
32 System.

33 B. A CETA employee may contribute during ~~his~~ the employee's period of CETA
34 employment or may defer contributions until ~~his~~ the employee's post-CETA
35 employment status is known.

36 C. If an employee who has not contributed during ~~his~~ the employee's CETA
37 employment or who has withdrawn ~~his~~ the employee's contributions later elects,
38 under section 17761, to purchase ~~his~~ the employee's CETA time for past creditable
39 service, the employee shall pay to the applicable retirement system program of the

1 Maine Public Employees Retirement System an amount equal to the employee's
2 contributions, plus interest, as provided under section 17704.

3 D. If an employee or member who has not contributed during that employee's or
4 member's CETA employment or who has withdrawn that employee's or member's
5 contributions later elects, under section 17761, subsection 3, to purchase that
6 employee's or member's CETA time for past creditable service before any retirement
7 benefit becomes effective for that member, that employee or member must pay into
8 the Members' Contribution Fund, by a single direct payment or annual direct
9 payments to the applicable retirement system program of the Maine Public
10 Employees Retirement System, an amount that, together with regular interest on that
11 amount, is the actuarial equivalent, at the effective date of the retirement benefit, of
12 the portion of the retirement benefit based on the additional creditable service.
13 Annual payments must be made in accordance with section 17701, subsection 4.
14 Additional amounts paid under this paragraph become a part of the employee's or
15 member's accumulated contributions. If any retirement benefit becomes effective
16 before the completion of the payment under this paragraph, the employee or member
17 is entitled to service credit for a portion of the additional creditable service in the
18 same proportion that the total amount of payments actually made, plus regular
19 interest on those payments to the date the retirement benefit becomes effective, bears
20 to the actuarial equivalent of the total portion of the retirement benefit based on the
21 additional creditable service.

22 **5. Return of contributions.** Any CETA employee who contributed to ~~the a~~
23 retirement system program of the Maine Public Employees Retirement System during ~~his~~
24 the member's CETA employment and who does not meet the requirements of section
25 17761, ~~shall~~ must be refunded ~~his the member's~~ employee contributions, plus regular
26 interest, upon request to the retirement system.

27 **Sec. 115. 5 MRSA §17707-A**, as enacted by PL 1997, c. 769, §1, is amended to
28 read:

29 **§17707-A. Members in 1998 Special Plan; contributions after June 30, 1998**

30 After June 30, 1998, members to whom one or more of sections 17708 to 17712-B
31 apply and to whom section 17851-A, subsection 1 also applies must contribute to the
32 ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-up
33 contributions made as provided in section 17851-A, subsection 5.

34 **Sec. 116. 5 MRSA §17708, sub-§2**, as amended by PL 1997, c. 740, §1 and
35 affected by §6, is further amended to read:

36 **2. Before September 16, 1984.** A state police officer who was first employed by
37 that department after July 9, 1943, but before September 16, 1984, shall contribute to the
38 ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-up
39 contributions made by the employer as follows:

40 A. At a rate of 7.5% of earnable compensation until the state police officer has
41 completed 20 years of creditable service, as required under section 17851, subsection
42 4, paragraph A; and

1 B. After completing the service described in paragraph A, at a rate of 6.5% of
2 earnable compensation for the remainder of employment as a state police officer.

3 **Sec. 117. 5 MRSA §17708, sub-§3**, as amended by PL 1997, c. 740, §2 and
4 affected by §6, is further amended to read:

5 **3. After September 15, 1984.** A state police officer who was first employed by that
6 department after September 15, 1984 shall contribute to the ~~retirement-system~~ State
7 Employee and Teacher Retirement Program as follows:

8 A. At a rate of 7.5% of earnable compensation until the state police officer has
9 completed 25 years of creditable service, as required under section 17851, subsection
10 4, paragraph B; and

11 B. After completing the service described in paragraph A, at a rate of 6.5% of
12 earnable compensation for the remainder of employment as a state police officer.

13 **Sec. 118. 5 MRSA §17708-A**, as enacted by PL 1991, c. 780, Pt. HHH, §4 and
14 affected by §11, is amended to read:

15 **§17708-A. State Police; members hired after July 1, 1992**

16 Notwithstanding section 17708, a state police officer hired after July 1, 1992 shall
17 contribute to the ~~retirement-system~~ State Employee and Teacher Retirement Program at a
18 rate of 1% of earnable compensation in addition to the contribution required under
19 section 17708.

20 **Sec. 119. 5 MRSA §17708-B**, as enacted by PL 1993, c. 410, Pt. L, §30, is
21 amended to read:

22 **§17708-B. State Police; contributions on and after July 1, 1993**

23 Notwithstanding sections 17708 and 17708-A, on and after July 1, 1993 a state police
24 officer shall contribute to the ~~retirement-system~~ State Employee and Teacher Retirement
25 Program or have pick-up contributions made at a rate of 1.15% of earnable compensation
26 in addition to the contributions required under section 17708.

27 **Sec. 120. 5 MRSA §17709**, as amended by PL 2001, c. 559, Pt. RR, §1 and
28 affected by §17, is further amended to read:

29 **§17709. Inland Fisheries and Wildlife officers**

30 **1. Before September 1, 1984.** A law enforcement officer in the Department of
31 Inland Fisheries and Wildlife who was first employed in that capacity before September
32 1, 1984 shall contribute to the ~~retirement-system~~ State Employee and Teacher Retirement
33 Program or have pick-up contributions made by the employer as follows:

34 A. At a rate of 7.5% of earnable compensation until the officer has completed 20
35 years of creditable service, as required under section 17851, subsection 5, paragraph
36 A; and

1 B. After completing the service described in paragraph A, at a rate of 6.5% of
2 earnable compensation for the remainder of the officer's employment in that capacity.

3 **2. After August 31, 1984; option.** A law enforcement officer in the Department of
4 Inland Fisheries and Wildlife who was first employed in that capacity after August 31,
5 1984 and who elects the retirement option provided in section 17851, subsection 5-A
6 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
7 Program or have pick-up contributions made by the employer as provided in section
8 17852, subsection 5-A.

9 **3. After August 31, 1984.** Beginning September 1, 2002, a law enforcement officer
10 in the Department of Inland Fisheries and Wildlife who was first employed in that
11 capacity after August 31, 1984 shall contribute to the ~~retirement system~~ State Employee
12 and Teacher Retirement Program or have pick-up contributions made by the employer at
13 a rate of 7.5% of earnable compensation until the law enforcement officer has completed
14 25 years of creditable service and at a rate of 6.5% thereafter.

15 **Sec. 121. 5 MRSA §17709-A**, as enacted by PL 1991, c. 780, Pt. HHH, §5 and
16 affected by §11, is amended to read:

17 **§17709-A. Inland fisheries and wildlife officers; members hired after July 1, 1992**

18 Notwithstanding section 17709, a law enforcement officer in the Department of
19 Inland Fisheries and Wildlife hired after July 1, 1992 shall contribute to the ~~retirement~~
20 ~~system~~ State Employee and Teacher Retirement Program at a rate of 1% of earnable
21 compensation in addition to the contribution required under section 17709.

22 **Sec. 122. 5 MRSA §17709-B**, as enacted by PL 1993, c. 410, Pt. L, §30, is
23 amended to read:

24 **§17709-B. Inland fisheries and wildlife officers; contributions on and after July 1,**
25 **1993**

26 Notwithstanding sections 17709 and 17709-A, on and after July 1, 1993 a law
27 enforcement officer in the Department of Inland Fisheries and Wildlife who is subject to
28 section 17709 shall contribute to the ~~retirement system~~ State Employee and Teacher
29 Retirement Program or have pick-up contributions made at a rate of 1.15% of earnable
30 compensation in addition to the contributions required under section 17709.

31 **Sec. 123. 5 MRSA §17710**, as amended by PL 2001, c. 559, Pt. RR, §2 and
32 affected by §17, is further amended to read:

33 **§17710. Marine Resources officers**

34 **1. Before September 1, 1984.** A law enforcement officer in the Department of
35 Marine Resources who was first employed in that capacity before September 1, 1984
36 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
37 Program or have pick-up contributions made by the employer as follows:

1 A. At a rate of 7.5% of earnable compensation until the officer has completed 20
2 years of creditable service, as required under section 17851, subsection 6; and

3 B. After completing the service described in paragraph A, at a rate of 6.5% of
4 earnable compensation for the remainder of the officer's employment in that capacity.

5 **1-A. After August 31, 1984; option.** A law enforcement officer in the Department
6 of Marine Resources who was first employed in that capacity after August 31, 1984 and
7 who elects the retirement option provided in section 17851, subsection 6-A shall
8 contribute to the ~~retirement system~~ State Employee and Teacher Retirement Program or
9 have pick-up contributions made by the employer as provided in section 17852,
10 subsection 6-A.

11 **1-B. After August 31, 1984.** Beginning September 1, 2002, a law enforcement
12 officer in the Department of Marine Resources who was first employed in that capacity
13 after August 31, 1984 shall contribute to the ~~retirement system~~ State Employee and
14 Teacher Retirement Program or have pick-up contributions made by the employer at a
15 rate of 7.5% of earnable compensation until the law enforcement officer has completed
16 25 years of creditable service and at a rate of 6.5% thereafter.

17 **2. Commissioner or deputy commissioner.** A commissioner or deputy
18 commissioner of the Department of Marine Resources may elect to contribute as a
19 member or have pick-up contributions made by the employer under section 17701, rather
20 than under this section, by filing a written copy of the election of choice with the board.

21 **Sec. 124. 5 MRSA §17710-A**, as enacted by PL 1991, c. 780, Pt. HHH, §6 and
22 affected by §11, is amended to read:

23 **§17710-A. Marine resources officers; members hired after July 1, 1992**

24 Notwithstanding section 17710, a law enforcement officer in the Department of
25 Marine Resources hired after July 1, 1992 shall contribute to the ~~retirement system~~ State
26 Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in
27 addition to the contribution required under section 17710.

28 **Sec. 125. 5 MRSA §17710-B**, as enacted by PL 1993, c. 410, Pt. L, §30, is
29 amended to read:

30 **§17710-B. Marine resources officers; contributions on and after July 1, 1993**

31 Notwithstanding sections 17710 and 17710-A, on and after July 1, 1993 a law
32 enforcement officer in the Department of Marine Resources who is subject to section
33 17710 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
34 Program or have pick-up contributions made at a rate of 1.15% of earnable compensation
35 in addition to the contributions required under section 17710.

36 **Sec. 126. 5 MRSA §17711**, as repealed and replaced by PL 1995, c. 624, §1, is
37 amended to read:

1 **§17711. Forest rangers**

2 **1. Before September 1, 1984.** A forest ranger in the Department of Conservation,
3 Bureau of Forestry who was first employed in that capacity before September 1, 1984,
4 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
5 Program or have pick-up contributions made by the employer as follows:

6 A. At a rate of 7.5% of earnable compensation until the forest ranger has met the
7 requirements for eligibility for retirement under section 17851, subsection 8; and

8 B. After meeting the eligibility requirements for retirement, at a rate of 6.5% of
9 earnable compensation for the remainder of the forest ranger's employment as a forest
10 ranger.

11 **2. After August 31, 1984; option.** A forest ranger in the Department of
12 Conservation, Bureau of Forestry who was first employed in that capacity after August
13 31, 1984 and who elects the retirement option provided in section 17851, subsection 8-A
14 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
15 Program or have pick-up contributions made by the employer as provided in section
16 17852, subsection 7-A.

17 **Sec. 127. 5 MRSA §17711-A**, as enacted by PL 1991, c. 780, Pt. HHH, §7 and
18 affected by §11, is amended to read:

19 **§17711-A. Forest rangers; members hired after July 1, 1992**

20 Notwithstanding section 17711, a forest ranger in the Department of Conservation,
21 Bureau of Forestry hired after July 1, 1992 shall contribute to the ~~retirement system~~ State
22 Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in
23 addition to the contribution required under section 17711.

24 **Sec. 128. 5 MRSA §17711-B**, as enacted by PL 1993, c. 410, Pt. L, §30, is
25 amended to read:

26 **§17711-B. Forest rangers; contributions on and after July 1, 1993**

27 Notwithstanding sections 17711 and 17711-A, on and after July 1, 1993 a forest
28 ranger in the Department of Conservation, Bureau of Forestry who is subject to section
29 17711 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
30 Program or have pick-up contributions made at a rate of 1.15% of earnable compensation
31 in addition to the contributions required under section 17711.

32 **Sec. 129. 5 MRSA §17712**, as amended by PL 1987, c. 739, §§24 and 48, is
33 further amended to read:

34 **§17712. Maine State Prison employees**

35 **1. Before September 1, 1984.** An employee of the Maine State Prison who holds a
36 position described in section 17851, subsection 11, and who was first employed in one of
37 those capacities before September 1, 1984, shall contribute to the ~~retirement system~~ State

1 Employee and Teacher Retirement Program or have pick-up contributions made by the
2 employer as follows:

3 A. At a rate of 7.5% of earnable compensation until the employee has met the
4 eligibility requirements for retirement under section 17851, subsection 11, paragraph
5 A; and

6 B. After meeting the eligibility requirements for retirement, at a rate of 6.5% of
7 earnable compensation for the remainder of employment in one or more of those
8 capacities.

9 **2. After August 31, 1984.** An employee of the Maine State Prison who was first
10 employed after August 31, 1984, in a position described in section 17851, subsection 11,
11 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
12 Program or have pick-up contributions made by the employer as follows:

13 A. At a rate of 7.5% of earnable compensation until the employee has completed 25
14 years of creditable service in one or more of those capacities; and

15 B. After completing the service described in paragraph A, at a rate of 6.5% of
16 earnable compensation for the remainder of employment in one or more of those
17 capacities.

18 **Sec. 130. 5 MRSA §17712-A**, as enacted by PL 1991, c. 780, Pt. HHH, §8 and
19 affected by §11, is amended to read:

20 **§17712-A. Maine State Prison employees; members hired after July 1, 1992**

21 Notwithstanding section 17712, an employee of the Maine State Prison who holds a
22 position described in section 17851, subsection 11 and who is hired after July 1, 1992
23 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
24 Program at a rate of 1% of earnable compensation in addition to the contribution required
25 under section 17712.

26 **Sec. 131. 5 MRSA §17712-B**, as enacted by PL 1993, c. 410, Pt. L, §30, is
27 amended to read:

28 **§17712-B. Maine State Prison employees; contributions on and after July 1, 1993**

29 Notwithstanding sections 17712 and 17712-A, on and after July 1, 1993 an employee
30 of the Maine State Prison who holds a position described in section 17851, subsection 11
31 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
32 Program or have pick-up contributions made at a rate of 1.15% of earnable compensation
33 in addition to the contributions required under section 17712.

34 **Sec. 132. 5 MRSA §17713**, as amended by PL 2003, c. 693, §2, is further
35 amended to read:

1 **§17713. Armed forces**

2 **1. Service after becoming a member.** For employees who qualify to have their
3 membership in the ~~retirement system~~ State Employee and Teacher Retirement Program
4 continued under section 17655, subsection 1, because of service in the Armed Forces of
5 the United States, the State shall contribute to the Members' Contribution Fund the same
6 amount that the member would have been required to contribute, if the member had been
7 serving the State during the period of service in the armed forces in the same capacity in
8 which the employee was serving at the time ~~he~~ the employee joined the armed forces.
9 Any member whose contributions to the Members' Contribution Fund are paid by the
10 State under this subsection, who withdraws or ceases to be a member of the ~~retirement~~
11 ~~system~~ State Employee and Teacher Retirement Program, may not withdraw any of the
12 contributions made by the State under this subsection.

13 **2. Service before becoming a member.** A member who qualifies under section
14 17760 to purchase service credit at the cost set forth in section 17760, subsection 4 shall
15 contribute to the ~~retirement system~~ State Employee and Teacher Retirement Program for
16 the period of service in the armed forces as follows.

17 A. Contributions must be calculated at the percentage rate required of active
18 members during the period of time covered by the service in the armed forces applied
19 to the member's earnable compensation during the first year as an employee after
20 service in the armed forces, under the following terms and conditions:

21 (1) If 2 or more percentage rates were in effect during the period of service in the
22 armed forces, the highest percentage rate must be used;

23 (2) The minimum rate is 5%; and

24 (3) Interest at a rate set by the board not to exceed regular interest by 2 or more
25 percentage points must be paid on the unpaid balance beginning January 1, 1976,
26 or the date of attaining 15 years of creditable service, if later, to the date payment
27 is made.

28 C. The payment must be made to the ~~retirement system~~ State Employee and
29 Teacher Retirement Program by a single direct payment or by annual direct payments
30 made in accordance with section 17701, subsection 4.

31 **Sec. 133. 5 MRSA §17714**, as enacted by PL 1995, c. 466, Pt. C, §1, is amended
32 to read:

33 **§17714. Baxter State Park Authority rangers**

34 A law enforcement officer in the employment of the Baxter State Park Authority who
35 elects the retirement option provided in section 17851, subsection 12 shall contribute to
36 the ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-up
37 contributions made by the employer as provided in section 17852, subsection 11.

38 **Sec. 134. 5 MRSA §17715**, as enacted by PL 1997, c. 401, §1, is amended to
39 read:

1 **§17715. State fire marshals**

2 A state fire marshal, state fire marshal investigator or a state fire marshal inspector
3 who elects the retirement option provided in section 17851, subsection 13 shall contribute
4 to the ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-
5 up contributions made by the employer as provided in section 17852, subsection 13.

6 **Sec. 135. 5 MRSA §17716**, as enacted by PL 1997, c. 401, §1, is amended to
7 read:

8 **§17716. Motor vehicle investigators**

9 A motor vehicle investigator, senior motor vehicle investigator, principal motor
10 vehicle investigator or chief motor vehicle investigator who elects the retirement option
11 provided in section 17851, subsection 14 shall contribute to the ~~retirement system~~ State
12 Employee and Teacher Retirement Program or have pick-up contributions made by the
13 employer as provided in section 17852, subsection 15.

14 **Sec. 136. 5 MRSA §17754**, as amended by PL 1993, c. 349, §§17 and 18, is
15 further amended to read:

16 **§17754. Out-of-state service**

17 **1. Generally.** For members who began membership before January 1, 1976,
18 additional service credit ~~shall~~ must be allowed for out-of-state service, subject to the
19 following conditions.

20 A. The member must have creditable service in Maine of at least 20 years in the
21 aggregate.

22 B. The member, before any retirement benefit becomes effective for that member,
23 must make contributions into the Members' Contribution Fund for the years of out-of-
24 state service on the same basis as the member would have made contributions had the
25 service been in Maine, including interest at a rate to be set by the board not to exceed
26 regular interest by 5 or more percentage points. Interest ~~shall be~~ is computed
27 beginning the end of the year when those contributions would have been made, if the
28 service had been in the State, to the date of payment. The payment must be made to
29 the ~~retirement system~~ State Employee and Teacher Retirement Program by a single
30 direct payment or by annual direct payments made in accordance with section 17701,
31 subsection 4.

32 C. If the member was formerly subject to the Revised Statutes of 1944, chapter 37,
33 sections 221 to 241, ~~his~~ the member's last 7 years of creditable service before the date
34 of retirement must be in Maine.

35 D. If the member is a teacher employed for the first time after July 1, 1947, ~~his~~ the
36 member's last 10 years of creditable service before the date of retirement must be in
37 Maine and no more than 10 years of service credit for out-of-state service may be
38 allowed.

1 E. If a member is not a teacher, ~~his~~ the member's last 10 years of creditable service
2 before the date of retirement must be in Maine and no more than 10 years of service
3 credit may be allowed for out-of-state service.

4 G. Upon complete payment of the back contributions under paragraph B or section
5 17764, the member must be granted service credit for the period of time for which the
6 contributions have been made. Upon making partial payment of the back
7 contributions under paragraph B or section 17764, the member must be granted
8 service credit on a pro rata basis in accordance with rules adopted by the board.

9 **2. Alternative.** If service credit for out-of-state service is not allowed under
10 subsection 1, additional service credit for out-of-state service ~~shall~~ must be allowed for
11 any member in the determination of the retirement benefit under this Part, if the member,
12 before any retirement benefit becomes effective for that member, pays into the Members'
13 Contribution Fund, by a single direct payment or annual direct payments to the ~~retirement~~
14 ~~system~~ State Employee and Teacher Retirement Program, an amount that, together with
15 regular interest on that amount, is the actuarial equivalent, at the effective date of the
16 retirement benefit, of the portion of the retirement benefit based on the additional
17 creditable service. Annual payments must be made in accordance with section 17701,
18 subsection 4.

19 A. Additional amounts paid under this subsection ~~shall~~ become a part of the
20 members' accumulated contributions.

21 B. If any retirement benefit becomes effective before the completion of the
22 payment under this subsection, the member is entitled to service credit for that
23 portion of the additional creditable service that the total amount of payments actually
24 made, plus regular interest on those payments to the date the retirement benefit
25 becomes effective, bears to the actuarial equivalent of the total portion of the
26 retirement benefit based on the additional creditable service.

27 **3. Service credit not to be used in another state.** Notwithstanding anything to the
28 contrary, any application for a retirement benefit that becomes effective after May 11,
29 1966, and for which out-of-state service credit is to be granted must be accompanied by a
30 certified statement from the appropriate retirement system that the out-of-state service
31 credit granted has not been or will not be used to obtain benefits in another state.

32 **Sec. 137. 5 MRSA §17760, sub-§3, ¶A,** as enacted by PL 2003, c. 693, §3, is
33 amended to read:

34 A. A member may purchase service credit at the cost set forth in subsection 4 if the
35 member has at least 15 years of creditable service at the time of retirement, the
36 member makes payment as required under subsection 4 and the member:

- 37 (1) Began membership prior to January 1, 1976;
- 38 (2) Served in the United States Armed Forces during any federally recognized
39 period of conflict; or
- 40 (3) Was awarded an Armed Forces Expeditionary Medal, a Combat Action
41 Ribbon, a Combat Infantry Badge or any other campaign or expeditionary medal
42 and the receipt of such a medal would allow the member to be considered

1 "preference eligible" under 5 United States Code, Section 2108(3)(A) or
2 2108(3)(B). A member described in this subparagraph is entitled to purchase
3 service credit at the cost set forth in subsection 4 only if a cost subsidy for that
4 member's service credit has been paid to the ~~retirement system~~ State Employee
5 and Teacher Retirement Program as provided in subsection 6.

6 **Sec. 138. 5 MRSA §17763, sub-§1, ¶C**, as amended by PL 1991, c. 558, §1, is
7 further amended to read:

8 C. The member must, before any retirement benefit becomes effective for that
9 member, make contributions into the Members' Contribution Fund, for the years of
10 private or parochial school teaching on the same basis as the member would have
11 made contributions had the service been as a state employee or teacher in this State,
12 including interest at a rate to be set by the board not to exceed regular interest by 5 or
13 more percentage points. The member's earnings for the years of private or parochial
14 school teaching must be assumed to have been the same as the average salary for
15 teachers in this State as determined by the Department of Education for each of the
16 years when the private or parochial school teaching took place. Interest must be
17 computed beginning at the end of the year when those contributions would have been
18 made, if the service had been as a state employee or teacher in this State, to the date
19 of payment. Payment must be made by a single direct payment or annual direct
20 payments to the ~~retirement system~~ State Employee and Teacher Retirement Program
21 in accordance with section 17701, subsection 4.

22 **Sec. 139. 5 MRSA §17763, sub-§4**, as enacted by PL 1993, c. 387, Pt. A, §10, is
23 amended to read:

24 **4. Alternative.** In the determination of the retirement benefit under this Part, if
25 service credit for private or parochial school teaching is not allowed under subsection 1
26 based upon the ~~member~~ member's not meeting the requirements of subsection 1,
27 paragraph B or D, additional service credit for private or parochial school teaching is
28 allowed for any member who meets the requirements of subsection 1, paragraphs A and
29 E, if the member, before any retirement benefit becomes effective for that member, pays
30 into the Members' Contribution Fund, by a single direct payment or annual direct
31 payments to the ~~retirement system~~ State Employee and Teacher Retirement Program, an
32 amount that, together with regular interest on that amount, is the actuarial equivalent, at
33 the effective date of the retirement benefit, of the portion of the retirement benefit based
34 on the additional creditable service.

35 Annual payments must be made in accordance with section 17701, subsection 4.

36 A. Additional amounts paid under this subsection become a part of the members'
37 accumulated contributions.

38 B. If any retirement benefit becomes effective before the completion of the
39 payment under this subsection, the member is entitled to service credit for that
40 portion of the additional creditable service that the total amount of payments actually
41 made, plus regular interest on those payments to the date the retirement benefit
42 becomes effective, bears to the actuarial equivalent of the total portion of the
43 retirement benefit based on the additional creditable service.

1 **Sec. 140. 5 MRSA §17763-A**, as enacted by PL 2007, c. 303, §1, is amended to
2 read:

3 **§17763-A. Purchase of service credit by an educator of a child with a disability;**
4 **service before July 1, 1976**

5 If a member can provide the board with satisfactory evidence that the member
6 performed before July 1, 1976 any work as an educator or teacher of a child with a
7 disability, as defined in Title 20-A, section 7001, subsection 1-B, including as a teacher
8 who may not meet the definition in section 17001, subsection 42, in a private or parochial
9 school or other school, center, facility or program that was not part of a public school
10 system, the member may purchase up to one year of service credit for any such work
11 performed before July 1, 1976. Service credit for this work must be calculated on the
12 basis of school years. In order to purchase this service credit and before any retirement
13 benefit becomes effective, the member must pay into the Members' Contribution Fund by
14 a single direct payment or annual direct payments to the ~~retirement system~~ State
15 Employee and Teacher Retirement Program an amount that, together with regular interest
16 on that amount, is the actuarial equivalent at the effective date of the retirement benefit of
17 the portion of the retirement benefit based on the additional creditable service. Annual
18 payments must be made in accordance with section 17701, subsection 4. Additional
19 amounts paid under this subsection become a part of the member's accumulated
20 contributions. If any retirement benefit becomes effective before the completion of the
21 payment under this section, the member is entitled to service credit for that portion of the
22 additional creditable service that the total amount of payments actually made plus regular
23 interest on those payments to the date the retirement benefit becomes effective bears to
24 the actuarial equivalent of the total portion of the retirement benefit based on the
25 additional creditable service.

26 **Sec. 141. 5 MRSA §17764, sub-§2**, as enacted by PL 1989, c. 709, §3 and
27 amended by PL 2007, c. 58, §3, is further amended to read:

28 **2. Creditable service required.** Members whose service in these organizations
29 preceded their becoming members in the ~~Maine Public Employees Retirement System~~
30 State Employee and Teacher Retirement Program must, on the date of retirement, have at
31 least 15 years of creditable service.

32 **Sec. 142. 5 MRSA §17764, sub-§4**, as enacted by PL 1989, c. 709, §3, is
33 amended to read:

34 **4. Payment to fund.** Members must, before any retirement benefit becomes
35 effective, pay into the Members' Contribution Fund by a single direct payment or annual
36 direct payments to the ~~retirement system~~ State Employee and Teacher Retirement
37 Program an amount that, together with regular interest on that amount, is the actuarial
38 equivalent, at the effective date of the retirement benefit, of the portion of the retirement
39 benefit based on the additional creditable service. Payments must be made as provided in
40 section 17701.

41 **Sec. 143. 5 MRSA §17765, sub-§1**, as enacted by PL 1997, c. 161, §1, is
42 amended to read:

1 **1. Payment to fund.** Before the retirement benefit becomes effective, members
2 must pay into the Members' Contribution Fund by a single direct payment or annual
3 direct payments to the ~~retirement system~~ State Employee and Teacher Retirement
4 Program an amount that, together with regular interest on that amount, is the actuarial
5 equivalent, at the effective date of the retirement benefit, of the portion of the retirement
6 benefit based on the additional creditable service. Payments must be made as provided in
7 section 17701, subsection 4.

8 **Sec. 144. 5 MRSA §17765, sub-§4,** as enacted by PL 1997, c. 161, §1, is
9 amended to read:

10 **4. Additional conditions of service credit purchase if some or all employment as**
11 **teacher's aide or Educational Technician I was under a participating local district**
12 **plan.** If a member was previously employed as a teacher's aide or an Educational
13 Technician I and was a member under a ~~participating local district plan~~ the Participating
14 Local District Retirement Program, then the following additional conditions apply:

15 A. If a member was also previously employed as a teacher's aide or an Educational
16 Technician I by a school administrative unit where the member was not a member
17 under a ~~participating local district plan~~ the Participating Local District Retirement
18 Program, and the member is purchasing or purchases less than all of the member's
19 total time as a teacher's aide or an Educational Technician I, all of the time during
20 which the member was employed as a teacher's aide or an Educational Technician I
21 and was a member under a ~~participating local district plan~~ the Participating Local
22 District Retirement Program must be purchased before the member may purchase any
23 of the time during which the member was employed as a teacher's aide or Educational
24 Technician I and was not a member under a ~~participating local district plan~~ the
25 Participating Local District Retirement Program; and

26 B. As of the date that the retirement system receives any payment toward the
27 purchase, a member's purchase of any service credit under this section for time during
28 which the member was employed as a teacher's aide or an Educational Technician I
29 and was a member under a ~~participating local district plan~~ the Participating Local
30 District Retirement Program is an irrevocable election to use the service credit
31 purchased to increase the member's service retirement benefits under the ~~teacher~~
32 ~~retirement plan~~ State Employee and Teacher Retirement Program, in accordance with
33 subsection 3. Any portion of the service credit that is purchased or available for
34 purchase may not after purchase or being made available for purchase be considered
35 to be service credit under the Participating Local District Retirement Program as
36 service with the participating local district by which the member was employed as a
37 teacher's aide or an Educational Technician I, regardless of whether the member
38 completed the payment for purchase under this section. A member who does not
39 complete the payment for purchase before the member's retirement becomes effective
40 is entitled to service credit as provided in subsection 2.

41 **Sec. 145. 5 MRSA §17766, sub-§1,** as reallocated by RR 1997, c. 1, §4, is
42 amended to read:

1 **1. Payment.** The member must, before any retirement benefit becomes effective,
2 pay into the Members' Contribution Fund by a single payment or annual direct payments
3 to the ~~retirement system~~ State Employee and Teacher Retirement Program an amount
4 that, together with regular interest on that amount, is the actuarial equivalent, at the
5 effective date of the retirement benefit, of the portion of the retirement benefit based on
6 the additional service credit purchased under this section. Payments must be made as
7 provided in section 17701, subsection 4.

8 If any retirement benefit becomes effective before the completion of the payment under
9 this subsection, the member is entitled to the additional creditable service that the total
10 amount of payments actually made, plus regular interest on those payments to the date the
11 retirement benefit becomes effective, bears to the actuarial equivalent of the total portion
12 of the retirement benefit based on the additional creditable service.

13 **Sec. 146. 5 MRSA §17802**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
14 to read:

15 **§17802. Eligibility for benefits**

16 Only members of the ~~retirement system~~ State Employee and Teacher Retirement
17 Program, their spouses, surviving spouses, children, dependent children, parents or
18 beneficiaries are eligible to receive benefits from the ~~retirement system~~ State Employee
19 and Teacher Retirement Program.

20 **Sec. 147. 5 MRSA §17851, sub-§1-B**, as amended by PL 1999, c. 756, §10, is
21 further amended to read:

22 **1-B. Member in service at retirement; 10 years of creditable service on July 1,**
23 **1993.** A member who on July 1, 1993, had 10 years of creditable service and who is in
24 service at retirement, or a member who on July 1, 1993 had reached 60 years of age and
25 had been in service for a minimum of one year immediately before July 1, 1993 and has
26 been in service for a minimum of one year immediately before retirement, qualifies for a
27 service retirement benefit if the member retires upon or after reaching 60 years of age.
28 For the purpose of determining completion of the 10-year requirement, the 10 years of
29 creditable service may include creditable service as a member of the ~~Maine~~ Legislative
30 Retirement ~~System~~ Program under Title 3, section 701, subsection 8.

31 A. Effective October 1, 1999, the creditable service and age requirements of this
32 subsection may not be increased for a member who on or before October 1, 1999 met
33 either of the requirements for eligibility for service retirement benefits under this
34 subsection, whether or not the member is in service on October 1, 1999.

35 B. For the purpose of calculating creditable service under this subsection only,
36 creditable service includes time during which a member participated in the voluntary
37 cost savings plan or the voluntary employee incentive program, authorized by Public
38 Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB
39 and chapter 780, Part VV, or 10 years of combined creditable service under this Part
40 and Title 3, chapter 29, or creditable service available to a member that the member
41 was eligible to purchase on June 30, 1993 and that the member does purchase in
42 accordance with rules adopted by the board.

1 **Sec. 148. 5 MRSA §17851, sub-§1-C, ¶A**, as amended by PL 1999, c. 756, §11,
2 is further amended to read:

3 A. Has been in service for a minimum of one year immediately before retirement or
4 has at least 10 years of creditable service, which, for the purpose of determining
5 completion of the 10-year requirement, may include creditable service as a member
6 of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3, section 701,
7 subsection 8; or

8 **Sec. 149. 5 MRSA §17851, sub-§1-C, ¶B**, as amended by PL 1999, c. 756, §11,
9 is further amended to read:

10 B. Effective October 1, 1999, is in service on October 1, 1999 and had fewer than
11 10 years of creditable service on July 1, 1993, including any person who was not in
12 service on July 1, 1993, and:

13 (1) Is in service upon or after reaching 62 years of age;

14 (2) Has been in service for a minimum of one year immediately before
15 retirement or has at least 5 years of creditable service, which, for the purpose of
16 determining completion of the 5-year requirement, may include creditable service
17 as a member of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3,
18 section 701, subsection 8; and

19 (3) Meets the applicability requirements of subsection 3-A.

20 **Sec. 150. 5 MRSA §17851, sub-§2-B**, as amended by PL 1999, c. 756, §12, is
21 further amended to read:

22 **2-B. Member not in service at retirement; 10 years of creditable service on July**
23 **1, 1993.** A member who on July 1, 1993 had 10 years of creditable service and who is
24 not in service at retirement qualifies for a service retirement benefit upon or after
25 reaching 60 years of age. For the purpose of determining completion of the 10-year
26 requirement, the 10 years of creditable service may include creditable service as a
27 member of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3, section 701,
28 subsection 8.

29 A. Effective October 1, 1999, the creditable service and age requirements of this
30 subsection may not be increased for a member who on or before October 1, 1999 met
31 the creditable service requirements for eligibility for service retirement benefits under
32 this subsection, whether or not the member is in service on October 1, 1999.

33 B. For the purpose of calculating creditable service under this subsection only,
34 creditable service includes time during which a member participated in the voluntary
35 cost savings plan or the voluntary employee incentive program, authorized by Public
36 Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB
37 and chapter 780, Part VV, or 10 years of combined creditable service under this Part
38 and Title 3, chapter 29 or creditable service available to a member that the member
39 was eligible to purchase on June 30, 1993 and that the member does purchase in
40 accordance with rules adopted by the board.

1 **Sec. 151. 5 MRSA §17851, sub-§2-C, ¶A**, as amended by PL 1999, c. 756, §13,
2 is further amended to read:

3 A. Has at least 10 years of creditable service, which, for the purpose of determining
4 completion of the 10-year requirement, may include creditable service as a member
5 of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3, section 701,
6 subsection 8; or

7 **Sec. 152. 5 MRSA §17851, sub-§2-C, ¶B**, as amended by PL 1999, c. 756, §13,
8 is further amended to read:

9 B. Effective October 1, 1999, is in service on October 1, 1999, had left service prior
10 to October 1, 1999 with or without withdrawing that member's contributions and on
11 or after October 1, 1999 returns to service or is first in service on or after October 1,
12 1999 and:

13 (1) Has reached 62 years of age; and

14 (2) Has at least 5 years of creditable service, which, for the purpose of
15 determining completion of the 5-year requirement, may include creditable service
16 as a member of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3,
17 section 701, subsection 8.

18 **Sec. 153. 5 MRSA §17851, sub-§3**, as amended by PL 1999, c. 756, §14, is
19 further amended to read:

20 **3. Member with creditable service of 25 years or more whether or not in service**
21 **at retirement.** A member, whether or not in service at retirement, who has completed 25
22 or more years of creditable service qualifies for a service retirement benefit if the member
23 retires at any time after completing 25 years of service, which may include, for the
24 purpose of determining completion of the 25-year requirement, creditable service as a
25 member of the ~~Maine~~ Legislative Retirement ~~System~~ Program under Title 3, section 701,
26 subsection 8.

27 C. Effective October 1, 1999, the number of years required to qualify for a service
28 retirement benefit under this subsection may not be increased for members who on
29 October 1, 1999 have met the creditable service requirement for eligibility to receive
30 a service retirement benefit under subsection 1-B; subsection 2-B; subsection 1-C,
31 paragraph A; subsection 1-C, paragraph B; subsection 2-C, paragraph A; or
32 subsection 2-C, paragraph B, or who, after October 1, 1999, meet the creditable
33 service requirement for eligibility to receive a service retirement benefit under
34 subsection 1-C, paragraph B or subsection 2-C, paragraph B.

35 **Sec. 154. 5 MRSA §17851, sub-§5-C**, as enacted by PL 2001, c. 559, Pt. RR, §3
36 and affected by §17 and amended by PL 2007, c. 58, §3, is further amended to read:

37 **5-C. Inland fisheries and wildlife officers; contingent qualification for benefits.**
38 Notwithstanding subsection 5-A and section 17851-A, subsection 1, paragraph B, the
39 qualification for a service retirement benefit for a law enforcement officer in the
40 Department of Inland Fisheries and Wildlife who was first employed after August 31,
41 1984 is governed by the provisions of subsection 5-B for all service earned in a covered

1 capacity upon certification by the Executive Director of the ~~Maine Public Employees~~
2 ~~Retirement System~~ retirement system to the Governor and the Commissioner of Inland
3 Fisheries and Wildlife that all liabilities associated with that service have been paid in full
4 by the State to the system.

5 **Sec. 155. 5 MRSA §17851, sub-§6-C**, as enacted by PL 2001, c. 559, Pt. RR, §4
6 and affected by §17 and amended by PL 2007, c. 58, §3, is further amended to read:

7 **6-C. Marine resources officers; contingent qualification for benefits.**
8 Notwithstanding subsection 6-A and section 17851-A, subsection 1, paragraph A, the
9 qualification for a service retirement benefit for a law enforcement officer in the
10 Department of Marine Resources who was first employed after August 31, 1984 is
11 governed by the provisions of subsection 6-B for all service earned in a covered capacity
12 upon certification by the Executive Director of the ~~Maine Public Employees Retirement~~
13 ~~System~~ retirement system to the Governor and the Commissioner of Marine Resources
14 that all liabilities associated with that service have been paid in full by the State to the
15 system.

16 **Sec. 156. 5 MRSA §17851, sub-§10-A**, as enacted by PL 2003, c. 451, Pt. GG,
17 §2, is amended to read:

18 **10-A. Liquor inspectors laid off pursuant to public law.** This subsection applies
19 to any liquor inspector, including the chief inspector, who:

20 A. Began employment as a liquor inspector or chief inspector prior to September 1,
21 1984;

22 B. Was serving in that capacity on September 1, 1984; and

23 C. Was laid off as a liquor inspector or chief inspector pursuant to Public Law
24 2003, chapter 20.

25 Notwithstanding any other law, a liquor inspector or chief inspector covered by this
26 subsection who did not complete the age or service requirements for retirement under
27 section 17851, subsection 10 prior to being laid off and who subsequently earns service in
28 any special or regular plan covered by the ~~retirement system~~ State Employee and Teacher
29 Retirement Program qualifies for a service retirement benefit upon completing at least 25
30 years of service and attaining 55 years of age.

31 **Sec. 157. 5 MRSA §17851-A, sub-§5**, as repealed and replaced by PL 2003, c.
32 510, Pt. D, §5 and affected by §§6 and 7, is amended to read:

33 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
34 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
35 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
36 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
37 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
38 paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph
39 M, a member in the capacities specified in subsection 1 must contribute to the ~~retirement~~
40 ~~system~~ State Employee and Teacher Retirement Program or have pick-up contributions

1 made at the rate of 8.65% of earnable compensation until the member has completed 25
2 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

3 **Sec. 158. 5 MRSA §17851-A, sub-§6**, as amended by PL 2007, c. 137, §14, is
4 further amended to read:

5 **6. Consequences of participation in retirement plan under section 17851,**
6 **subsection 5-A, 6-A or 8-A.** Notwithstanding any other provision of law, a member in
7 the capacities specified in subsection 1 who, prior to July 1, 1998 elected the retirement
8 option provided in section 17851, subsection 5-A, 6-A or 8-A is treated as follows under
9 the 1998 Special Plan.

10 A. A member who made the election at the time of first employment in a position
11 covered under section 17851, subsection 5-A, 6-A and 8-A is considered to be a
12 member under the 1998 Special Plan as of the date of hire. Beginning July 1, 1998, a
13 member covered by this paragraph shall contribute to the ~~retirement system~~ State
14 Employee and Teacher Retirement Program or have pick-up contributions made at a
15 rate of 8.65% of earnable compensation until completion of 25 years of creditable
16 service and shall contribute at a rate of 7.65% thereafter.

17 B. A member who was serving in a position covered under section 17851,
18 subsection 5-A, 6-A or 8-A at the time of the election and who elected to participate
19 in the retirement option prospectively from the time of election is considered to be a
20 member under the 1998 Special Plan as of the effective date of the election.
21 Beginning July 1, 1998, a member covered by this paragraph shall contribute to the
22 ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-up
23 contributions made at a rate of 8.65% of earnable compensation until completion of
24 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

25 C. A member who was serving in a position covered under section 17851,
26 subsection 5-A, 6-A or 8-A at the time of the election and who elected to participate
27 in the retirement option prospectively from the time of election and also elected to
28 purchase credit for service earned while serving in the same capacity before
29 exercising the election is considered to be a member under the 1998 Special Plan as
30 of the beginning date of the service for which credit is purchased, provided that all of
31 the payments required under section 17852, subsection 5-A, 6-A or 7-A are made
32 before retirement. If all the required payments are not made before retirement, that
33 member is considered to be a member under the 1998 Special Plan as of the effective
34 date of the election. Beginning July 1, 1998, a member covered by this paragraph
35 shall contribute to the ~~retirement system~~ State Employee and Teacher Retirement
36 Program or have pick-up contributions made at a rate of 8.65% of earnable
37 compensation until completion of 25 years of creditable service and shall contribute
38 at a rate of 7.65% thereafter.

39 Employee contributions and actuarial and administrative costs paid to the ~~retirement~~
40 ~~system~~ State Employee and Teacher Retirement Program by a member covered by this
41 subsection may not be returned to that member, except that these employee contributions
42 may be refunded to a member who terminates service and requests a refund under section
43 17705-A.

1 **Sec. 159. 5 MRSA §17851-A, sub-§6-A**, as amended by PL 2007, c. 137, §15, is
2 further amended to read:

3 **6-A. Consequences of participation in retirement plan under section 17851,**
4 **subsection 12 or 13.** A member in the capacities specified in subsection 1, paragraphs J
5 and K who, prior to January 1, 2000, elected the retirement option provided in section
6 17851, subsection 12 or 13 is treated as follows under the 1998 Special Plan.

7 A. A member who made the election at the time of first employment in a position
8 covered under section 17851, subsection 12 or 13 is considered to be a member under
9 the 1998 Special Plan as of the date of hire. Beginning January 1, 2000, a member
10 covered by this paragraph shall contribute to the ~~retirement system~~ State Employee
11 and Teacher Retirement Program or have pick-up contributions made at a rate of
12 8.65% of earnable compensation until completion of 25 years of creditable service
13 and shall contribute at a rate of 7.65% thereafter.

14 B. A member who was serving in a position covered under section 17851,
15 subsection 12 or 13 at the time of the election and who elected to participate in the
16 retirement option prospectively from the time of election is considered to be a
17 member under the 1998 Special Plan as of the effective date of the election.
18 Beginning January 1, 2000, a member covered by this paragraph shall contribute to
19 the ~~retirement system~~ State Employee and Teacher Retirement Program or have pick-
20 up contributions made at a rate of 8.65% of earnable compensation until completion
21 of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

22 C. A member who was serving in a position covered under section 17851,
23 subsection 12 or 13 at the time of the election and who elected to participate in the
24 retirement option prospectively from the time of election and also elected to purchase
25 credit for service earned while serving in the same capacity before exercising the
26 election is considered to be a member under the 1998 Special Plan as of the
27 beginning date of the service for which credit is purchased, ~~provided that~~ as long as
28 all of the payments required under section 17852, subsection 12 or 13 are made
29 before retirement. If all the required payments are not made before retirement, that
30 member is considered to be a member under the 1998 Special Plan as of the effective
31 date of the election. Beginning January 1, 2000, for employees identified in
32 subsection 1, paragraphs J and K, a member covered by this paragraph shall
33 contribute to the ~~retirement system~~ State Employee and Teacher Retirement Program
34 or have pick-up contributions made at a rate of 8.65% of earnable compensation until
35 completion of 25 years of creditable service and shall contribute at a rate of 7.65%
36 thereafter.

37 Employee contributions and actuarial and administrative costs paid to the ~~retirement~~
38 ~~system~~ State Employee and Teacher Retirement Program by a member covered by this
39 subsection may not be returned to that member, except that these employee contributions
40 may be refunded to a member who terminates service and requests a refund under section
41 17705-A.

42 **Sec. 160. 5 MRSA §17852, sub-§1, ¶A**, as amended by PL 1999, c. 489, §15, is
43 further amended to read:

1 A. ~~1/50 One-fiftieth~~ of the member's average final compensation multiplied by the
2 number of years of membership service and up to 25 years of prior service.
3 Membership service under this paragraph does not include creditable service under
4 the Legislative Retirement ~~System~~ Program;

5 **Sec. 161. 5 MRSA §17852, sub-§5-A, ¶A**, as enacted by PL 1995, c. 466, Pt. A,
6 §3, is amended to read:

7 A. The person was first employed as a law enforcement officer in the Department
8 of Inland Fisheries and Wildlife on or after November 1, 1995, elects the option
9 provided in section 17851, subsection 5-A and pays to the ~~retirement system~~ State
10 Employee and Teacher Retirement Program an increased employee payroll
11 contribution in an amount that equals the full actuarial cost of electing that option; or

12 **Sec. 162. 5 MRSA §17852, sub-§5-A, ¶B**, as enacted by PL 1995, c. 466, Pt. A,
13 §3, is amended to read:

14 B. The person was first employed as a law enforcement officer in the Department
15 of Inland Fisheries and Wildlife before November 1, 1995, elects the option provided
16 in section 17851, subsection 5-A and pays to the ~~retirement system~~ State Employee
17 and Teacher Retirement Program single or periodic payment of a lump sum or by a
18 combination of single and periodic payments of the amount that equals the full
19 actuarial cost of electing that option for service before that date. A person who
20 requests calculation of the full actuarial cost, regardless of whether the person elects
21 the option, must pay to the retirement system by single lump sum payment the
22 reasonable administrative costs of determining the full actuarial costs. Payment of
23 the full actuarial cost related to service on or after November 1, 1995 is made as part
24 of the employee payroll contribution.

25 **Sec. 163. 5 MRSA §17852, sub-§6-A, ¶A**, as enacted by PL 1995, c. 466, Pt. B,
26 §4, is amended to read:

27 A. The person was first employed as a law enforcement officer in the Department
28 of Marine Resources on or after November 1, 1995, elects the option provided in
29 section 17851, subsection 6-A and pays to the ~~retirement system~~ State Employee and
30 Teacher Retirement Program an increased employee payroll contribution in an
31 amount that equals the full actuarial cost of electing that option; or

32 **Sec. 164. 5 MRSA §17852, sub-§6-A, ¶B**, as enacted by PL 1995, c. 466, Pt. B,
33 §4, is amended to read:

34 B. The person was first employed in that capacity before November 1, 1995, elects
35 the option provided in section 17851, subsection 6-A and pays to the ~~retirement~~
36 ~~system~~ State Employee and Teacher Retirement Program by single or periodic
37 payment of a lump sum or by a combination of single and periodic payments the
38 amount that equals the full actuarial cost of electing that option for service before that
39 date. A person who requests calculation of the full actuarial cost, regardless of
40 whether the person elects the option, must pay to the retirement system by single
41 lump sum payment the reasonable administrative costs of determining the full

1 actuarial costs. Payment of the full actuarial cost related to service on or after
2 November 1, 1995 is made as part of the employee payroll contribution.

3 **Sec. 165. 5 MRSA §17852, sub-§7-A, ¶A**, as enacted by PL 1995, c. 624, §9, is
4 amended to read:

5 A. The person was first employed as a forest ranger in the Department of
6 Conservation on or after May 1, 1996, elects the option provided in section 17851,
7 subsection 8-A and pays to the ~~retirement system~~ State Employee and Teacher
8 Retirement Program an increased employee payroll contribution in an amount that
9 equals the full actuarial cost of electing that option; or

10 **Sec. 166. 5 MRSA §17852, sub-§7-A, ¶B**, as enacted by PL 1995, c. 624, §9, is
11 amended to read:

12 B. The person was first employed as a forest ranger in the Department of
13 Conservation before May 1, 1996, elects the option provided in section 17851,
14 subsection 8-A and pays to the ~~retirement system~~ State Employee and Teacher
15 Retirement Program by single or periodic payment of a lump sum or by a
16 combination of single and periodic payments the amount that equals the full actuarial
17 cost of electing that option for service before that date. A person who requests
18 calculation of the full actuarial cost, regardless of whether the person elects the
19 option, must pay to the retirement system by single lump sum payment the reasonable
20 administrative costs of determining the full actuarial costs. Payment of the full
21 actuarial cost related to service on or after May 1, 1996 is made as part of the
22 employee payroll contribution.

23 **Sec. 167. 5 MRSA §17852, sub-§11, ¶A**, as enacted by PL 1995, c. 466, Pt. C,
24 §3, is amended to read:

25 A. The person was first employed as a law enforcement officer at the Baxter State
26 Park Authority on or after November 1, 1995, elects the option provided in section
27 17851, subsection 12 and pays to the ~~retirement system~~ State Employee and Teacher
28 Retirement Program an increased employee payroll contribution in an amount that
29 equals the full actuarial cost of electing that option; or

30 **Sec. 168. 5 MRSA §17852, sub-§11, ¶B**, as enacted by PL 1995, c. 466, Pt. C,
31 §3, is amended to read:

32 B. The person was first employed as a law enforcement officer at the Baxter State
33 Park Authority before November 1, 1995, elects the option provided in section
34 17851, subsection 12 and pays to the ~~retirement system~~ State Employee and Teacher
35 Retirement Program single or periodic payment of a lump sum or by a combination
36 of single and periodic payments of the amount that equals the full actuarial cost of
37 electing that option for service before that date. A person who requests calculation of
38 the full actuarial cost, regardless of whether the person elects the option, must pay to
39 the retirement system by single lump sum payment the reasonable administrative
40 costs of determining the full actuarial costs. Payment of the full actuarial cost related
41 to service on or after November 1, 1995 is made as part of the employee payroll
42 contribution.

1 **Sec. 169. 5 MRSA §17852, sub-§13, ¶A**, as enacted by PL 1997, c. 401, §3, is
2 amended to read:

3 A. The person was first employed as a fire marshal on or after October 1, 1997,
4 elects the option provided in section 17851, subsection 13 and pays to the ~~retirement~~
5 ~~system~~ State Employee and Teacher Retirement Program an increased employee
6 payroll contribution in an amount that equals the full actuarial cost of electing that
7 option; or

8 **Sec. 170. 5 MRSA §17852, sub-§13, ¶B**, as enacted by PL 1997, c. 401, §3, is
9 amended to read:

10 B. The person was first employed as a fire marshal before October 1, 1997, elects
11 the option provided in section 17851, subsection 13 and pays to the ~~retirement-system~~
12 State Employee and Teacher Retirement Program a single payment or periodic
13 payments of a lump sum or a combination of single and periodic payments of that
14 amount that equals the full actuarial cost of electing that option for service before that
15 date.

16 **Sec. 171. 5 MRSA §17852, sub-§15, ¶A**, as enacted by PL 1997, c. 401, §3, is
17 amended to read:

18 A. The person was first employed as a motor vehicle investigator on or after
19 October 1, 1997, elects the option provided in section 17851, subsection 14 and pays
20 to the ~~retirement-system~~ State Employee and Teacher Retirement Program an
21 increased employee payroll contribution in an amount that equals the full actuarial
22 cost of electing that option; or

23 **Sec. 172. 5 MRSA §17852, sub-§15, ¶B**, as enacted by PL 1997, c. 401, §3, is
24 amended to read:

25 B. The person was first employed as a motor vehicle investigator before October 1,
26 1997, elects the option provided in section 17851, subsection 14 and pays to the
27 ~~retirement-system~~ State Employee and Teacher Retirement Program a single payment
28 or periodic payments of a lump sum or a combination of single and periodic
29 payments of that amount that equals the full actuarial cost of electing that option for
30 service before that date.

31 **Sec. 173. 5 MRSA §17858-B, sub-§3**, as enacted by PL 1995, c. 502, Pt. R, §1
32 and amended by PL 2007, c. 58, §3, is further amended to read:

33 **3. Payment of fixed costs.** With respect to each employee who retires under
34 subsection 1, the State shall pay the amount of the ~~Maine Public Employees Retirement~~
35 ~~System's~~ State Employee and Teacher Retirement Program's unfunded liability payment,
36 the Maine Public Employees Retirement System's administrative cost payment and the
37 retiree health care payment associated with the employee.

38 **Sec. 174. 5 MRSA §17858-B, sub-§4**, as enacted by PL 1995, c. 502, Pt. R, §1
39 and amended by PL 2007, c. 58, §3, is further amended to read:

1 **4. Policies and procedures.** The Executive Director of the Maine Public Employees
2 Retirement System shall establish policies and procedures for the implementation of this
3 section, including notice and payment requirements, that ensure that no unfunded liability
4 results to the ~~Maine Public Employees Retirement System~~ State Employee and Teacher
5 Retirement Program.

6 **Sec. 175. 5 MRSA §17904, sub-§2,** as amended by PL 1991, c. 434, §1, is
7 further amended to read:

8 **2. Exception.** A member with fewer than 5 years of continuous creditable service
9 immediately preceding that member's application for a disability retirement benefit is not
10 eligible for that benefit if the disability is the result of a physical or mental condition
11 ~~which that~~ that existed before the member's latest membership in ~~the any~~ any retirement ~~system~~
12 program of the Maine Public Employees Retirement System, unless the disability is a
13 result of, or has been substantially aggravated by, an injury or accident received in the
14 line of duty but from events or circumstances not usually encountered within the scope of
15 the member's employment.

16 **Sec. 176. 5 MRSA §17906, sub-§3, ¶C,** as enacted by PL 1985, c. 801, §§5 and
17 7, is amended to read:

18 C. If the retirement benefit payments are eliminated by operation of this subsection:

19 (1) The person ~~shall~~ again ~~become~~ becomes a member of the ~~retirement system~~
20 State Employee and Teacher Retirement Program and ~~shall begin~~ begins
21 contributing at the current rate; and

22 (2) When the person again retires, ~~he~~ the person shall receive benefits computed
23 on ~~his~~ the person's entire creditable service and in accordance with the law in
24 effect at that time.

25 **Sec. 177. 5 MRSA §17924, sub-§2,** as amended by PL 1991, c. 434, §2, is
26 further amended to read:

27 **2. Exception.** A member with fewer than 5 years of continuous creditable service
28 immediately preceding that member's application for a disability retirement benefit is not
29 eligible for that benefit if the disability is the result of a physical or mental condition
30 ~~which that~~ that existed before the member's membership in ~~the a~~ a retirement ~~system~~ program
31 of the Maine Public Employees Retirement System, unless the disability is a result of, or
32 has been substantially aggravated by, an injury or accident received in the line of duty but
33 from events or circumstances not usually encountered within the scope of the member's
34 employment.

35 **Sec. 178. 5 MRSA §17930, sub-§3, ¶D,** as enacted by PL 1989, c. 409, §§8 and
36 12, is amended to read:

37 D. The retirement benefit payments are eliminated by this subsection if:

38 (1) The person ~~shall~~ again ~~become~~ becomes a member of the ~~retirement system~~
39 State Employee and Teacher Retirement Program and ~~begin~~ begins contributing
40 at the current rate; and

1 (2) When the person again retires, the person shall receive benefits computed on
2 the basis of that person's entire creditable service and in accordance with the law
3 in effect at that time;

4 **Sec. 179. 5 MRSA §18055, sub-§1, ¶A**, as amended by PL 1987, c. 42, is
5 further amended to read:

6 A. Elective and appointive officers and employees of the State eligible for
7 membership in the ~~retirement system~~ State Employee and Teacher Retirement
8 Program or the ~~Maine~~ Legislative Retirement System Program;

9 **Sec. 180. 5 MRSA §18055, sub-§1, ¶B**, as enacted by PL 1985, c. 801, §§5 and
10 7, is amended to read:

11 B. Teachers eligible for membership in the ~~retirement system~~ State Employee and
12 Teacher Retirement Program;

13 **Sec. 181. 5 MRSA §18200** is enacted to read:

14 **§18200. Name, establishment and purpose**

15 There is established the Participating Local District Retirement Program, which has
16 the powers and privileges of a corporation.

17 The purpose of the Participating Local District Retirement Program is to provide
18 retirement allowances and other benefits under this chapter for employees of participating
19 local districts.

20 **Sec. 182. 5 MRSA §18201, first ¶**, as amended by PL 1993, c. 250, §2, is further
21 amended to read:

22 A local district may contract for the participation of its employees in the ~~retirement~~
23 ~~system~~ Participating Local District Retirement Program under this chapter any time
24 before the date the board puts into operation the consolidated retirement plan for
25 participating local districts under chapter 427. After the date on which the consolidated
26 plan described in chapter 427 is put into operation, a local district may contract for
27 participation only ~~in a program provided by~~ under the consolidated plan ~~under chapter~~
28 ~~427.~~

29 **Sec. 183. 5 MRSA §18202, sub-§3**, as enacted by PL 1991, c. 887, §11, is
30 amended to read:

31 **3. Application.** Notwithstanding the provisions of subsections 1 and 2, the
32 amendments made to ~~retirement system~~ the Participating Local District Retirement
33 Program disability plans to meet the requirements of the federal Older Workers Benefit
34 Protection Act apply to each participating local district without adoption by the district.

35 **Sec. 184. 5 MRSA §18203, first ¶**, as enacted by PL 1987, c. 256, §22, is
36 amended to read:

1 A participating local district may withdraw from further participation in the
2 ~~retirement-system~~ Participating Local District Retirement Program under the terms and
3 conditions of this section.

4 **Sec. 185. 5 MRSA §18203, sub-§3**, as repealed and replaced by PL 2003, c. 273,
5 §1, is amended to read:

6 **3. Amendments.** A participating local district that has withdrawn from participation
7 in the ~~retirement-system~~ Participating Local District Retirement Program may adopt any
8 provision of this Part and amend its plan to reflect adoption of that provision, whether the
9 provision took effect before or after the effective date of the district's withdrawal. A
10 participating local district withdrawing under this section may not amend its retirement
11 plan except in accordance with this subsection, and any such amendment is effective only
12 with respect to employees of the district who remained in the ~~retirement-system~~
13 Participating Local District Retirement Program at the time of the district's withdrawal.

14 **Sec. 186. 5 MRSA §18203-A**, as enacted by PL 1991, c. 580, §11, is amended to
15 read:

16 **§18203-A. Resumption of participation after withdrawal**

17 The board may establish by rule the conditions under which a local district that has
18 withdrawn from participation in the ~~retirement-system~~ Participating Local District
19 Retirement Program may again contract for participation of its employees in ~~the~~
20 ~~retirement-system~~ that program under this chapter or under chapter 427.

21 **Sec. 187. 5 MRSA §18204, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
22 amended to read:

23 The chief fiscal officer of a participating local district shall, in order to assist in the
24 administration of the ~~retirement-system~~ Participating Local District Retirement Program:

25 **Sec. 188. 5 MRSA §18251, sub-§3**, as enacted by PL 2003, c. 630, Pt. A, §3, is
26 amended to read:

27 **3. Optional membership.** Membership in the ~~retirement-system~~ Participating Local
28 District Retirement Program is optional for the following employees of a participating
29 local district:

30 A. A person in the service of a participating local district on the date of
31 establishment for that participating local district. Once such a person joins the
32 ~~retirement-system~~ Participating Local District Retirement Program, membership
33 ceases to be optional for that person under this paragraph;

34 B. An elected official or an official appointed for a fixed term. Special provisions
35 apply to certain officials as follows:

36 (1) Membership of trustees of a water district is governed by Title 35-A, section
37 6410, subsection 8;

1 (2) Membership of trustees of a sanitary district is governed by Title 38, section
2 1104; and

3 (3) Membership of trustees of a sewer district is governed by Title 38, section
4 1252;

5 C. A chief administrative officer of a participating local district, whether appointed
6 for a fixed term or appointed with tenure; and

7 D. A person whose membership is optional under section 18252, 18252-A or
8 18801.

9 **Sec. 189. 5 MRSA §18251, sub-§4**, as enacted by PL 2003, c. 630, Pt. A, §3, is
10 amended to read:

11 **4. Delayed election of membership.** A person whose membership is optional and
12 who elects not to join the ~~retirement system~~ Participating Local District Retirement
13 Program when first eligible to do so may at any time apply for and be admitted to
14 membership, except as provided in section 18252.

15 A. For an optional member described in subsection 3, paragraph B or C who began
16 membership before January 1, 1986, purchase of service credit for the period during
17 which the person was eligible for membership but was not a member of the
18 ~~retirement system~~ Participating Local District Retirement Program is governed by
19 section 18305.

20 B. For other optional members, purchase of service credit for the period during
21 which the person was eligible for membership but was not a member of the
22 ~~retirement system~~ Participating Local District Retirement Program is governed by
23 section 18305-A.

24 **Sec. 190. 5 MRSA §18251, sub-§5**, as enacted by PL 2003, c. 630, Pt. A, §3, is
25 amended to read:

26 **5. Reentry.** A person whose membership is optional may reenter the ~~retirement~~
27 ~~system~~ Participating Local District Retirement Program at any time, subject to sections
28 18252 and 18252-A, if applicable. A person who reenters ~~the system~~ that program may
29 purchase service credit for the time served in eligible service as follows.

30 A. If the person withdrew accumulated contributions at the time of withdrawal, the
31 person, subject to any limitations set forth in section 18252-A, may repurchase that
32 prior service credit by repaying those contributions pursuant to section 18304.

33 B. For the purchase of time for which the person was not a member:

34 (1) For an optional member described in subsection 3, paragraph B or C who
35 began membership before January 1, 1986, purchase of service credit for the
36 period during which the person was eligible for membership but was not a
37 member of the ~~retirement system~~ Participating Local District Retirement Program
38 is governed by section 18305; and

39 (2) For other optional members, purchase of service credit for the period during
40 which the person was eligible for membership but was not a member of the

1 ~~retirement system~~ Participating Local District Retirement Program is governed
2 by section 18305-A.

3 **Sec. 191. 5 MRSA §18252**, as amended by PL 2007, c. 137, §17, is further
4 amended to read:

5 **§18252. Membership in districts with Social Security coverage under Social**
6 **Security Section 218 agreement**

7 A person who is or would be covered by the United States Social Security Act as a
8 result of employment by a participating local district having a so-called "Social Security
9 Section 218 agreement" may elect to join, not to join, to cease contributions to or to
10 withdraw from the ~~retirement system~~ Participating Local District Retirement Program
11 under the following conditions.

12 **1. New employees.** A new employee may join the ~~retirement system~~ Participating
13 Local District Retirement Program at the beginning of employment or on any anniversary
14 of the beginning of employment, so as long as that person is still an employee of the
15 participating local district and the district continues to be a participating local district.

16 A. Purchase of service credit for the period during which the person was not a
17 member of the ~~retirement system~~ Participating Local District Retirement Program is
18 governed by section 18305-A.

19 **2. Employee who is participating member.** A person who is a participating
20 member of the ~~retirement system~~ Participating Local District Retirement Program may
21 elect to cease contributions to ~~the system that program~~ and, at that person's discretion,
22 may withdraw accumulated contributions in accordance with section 18306-A.

23 **3. Person who has previously ceased contributions.** A person who has previously
24 elected to cease contributions to the ~~retirement system~~ Participating Local District
25 Retirement Program, whether or not accumulated contributions have been withdrawn,
26 may choose to rejoin ~~the system that program~~ at any time under the following conditions.

27 B. The employer must still be a participating local district allowing new
28 membership in the ~~retirement system~~ Participating Local District Retirement
29 Program.

30 C. Purchase of service credit for the period during which the person was not a
31 member of the ~~retirement system~~ Participating Local District Retirement Program is
32 governed by section 18305-A. Repayment of withdrawn accumulated contributions
33 is governed by section 18304.

34 **5. Limit on right to rejoin.** The right of a person to rejoin under subsection 3 is
35 limited to 2 occurrences.

36 **6. Restoration to service.** If any person who is the recipient of a service retirement
37 benefit is covered by the United States Social Security Act upon being restored to service,
38 continuation of that person's benefit is governed by the following.

1 A. The person may elect to have the service retirement benefit continued during the
2 period of time the person is restored to service and the person may not accumulate
3 any additional service credits.

4 B. The person may elect to have the service retirement benefit terminated, again
5 become a member of the ~~retirement system~~ Participating Local District Retirement
6 Program and begin contributing at the current rate.

7 (1) The person is entitled to accumulate additional service credits during the
8 period of time the person is restored to service.

9 (2) When the person again retires, the person is entitled to receive benefits
10 computed on the person's entire creditable service and in accordance with the law
11 in effect at the time.

12 C. Upon being restored to service, the person must elect to have benefits either
13 continued or terminated. If written notification of the person's election is not
14 received by the executive director within 60 days of restoration to service, the person
15 is deemed to have elected the provisions of paragraph A. The election, regardless of
16 how it is made, is irrevocable during the period of restoration to services.

17 **Sec. 192. 5 MRSA §18252-A, sub-§1**, as amended by PL 2007, c. 137, §§18 and
18 19, is further amended to read:

19 **1. Membership.** An employee of a participating local district that does not have a
20 so-called "Social Security Section 218 agreement" and that has a plan provided by the
21 employer under section 18252-B may elect to be a member under the ~~retirement system~~
22 Participating Local District Retirement Program or to be covered under the plan provided
23 by the employer in accordance with the following.

24 A. A person hired by a participating local district, or rehired following a break in
25 service, after the date on which the employer provides a plan under section 18252-B
26 must elect at the time of hiring or rehiring whether to be a member under the
27 ~~retirement system~~ Participating Local District Retirement Program or to be covered
28 under a plan provided by the employer under section 18252-B.

29 (1) If the person elects to be a member under the ~~retirement system~~ Participating
30 Local District Retirement Program, the election is effective as of the date of hire
31 or rehire.

32 (a) A person who elects to be a member of the ~~retirement system~~
33 Participating Local District Retirement Program may later elect to be covered
34 under a plan provided by the employer under section 18252-B. The person
35 who so elects may, at that person's discretion, withdraw accumulated
36 contributions in accordance with section 18306-A.

37 (b) A person who elects under division (a) to be covered under a plan
38 provided by the employer under section 18252-B may later elect to again
39 become a member under the ~~retirement system~~ Participating Local District
40 Retirement Program, unless to so elect would have the effect of requiring the
41 employer, without the employer's agreement, to make an employer

1 contribution to both ~~the retirement system~~ that program and the plan provided
2 by the employer under section 18252-B.

3 (c) A person who elects under division (b) to again become a member of the
4 ~~retirement system~~ Participating Local District Retirement Program may, in
5 accordance with section 18305-A, purchase service credit for the period
6 during which the person elected not to be a member of ~~the retirement system~~
7 that program. The person may, in accordance with section 18304, repay
8 contributions withdrawn under division (a) and may, as permitted under other
9 relevant retirement system law, rule and policy, repay other refunded
10 contributions.

11 (d) A person who, having elected to again become a member under the
12 ~~retirement system~~ Participating Local District Retirement Program under
13 division (c), later elects again not to be a member may not thereafter become
14 a member under ~~the retirement system~~ that program while employed by the
15 same participating local district.

16 (2) A person who elects to be covered under a plan provided by the employer
17 under section 18252-B may later elect to become a member under the ~~retirement~~
18 system Participating Local District Retirement Program.

19 (a) Membership service credit for a person joining the ~~retirement system~~
20 Participating Local District Retirement Program under this subparagraph
21 begins as of the effective date of first contributions or pick-up contributions
22 to ~~the retirement system~~ that program following that person's election under
23 this subparagraph.

24 (b) A person who joins the ~~retirement system~~ Participating Local District
25 Retirement Program under this subparagraph may, in accordance with section
26 18305-A, purchase service credit for the period during which the person
27 elected not to be a member of ~~the retirement system~~ that program.

28 (c) A person who, having elected to become a member under the ~~retirement~~
29 ~~system~~ Participating Local District Retirement Program under this
30 subparagraph, later elects again not to be a member may, at the employee's
31 discretion, withdraw accumulated contributions in accordance with
32 applicable requirements of law and rule and retirement system procedures
33 and may not thereafter become a member under ~~the retirement system~~ that
34 program while employed by the same participating local district.

35 B. An employee of the participating local district who is a member under the
36 ~~retirement system~~ Participating Local District Retirement Program on the date on
37 which the employer provides a plan under section 18252-B may elect to remain a
38 member under ~~the retirement system~~ that program or to become covered under a plan
39 provided by the employer under section 18252-B.

40 (1) If that person elects not to remain a member, the election is effective as of
41 the first day of the month in which no contributions or pick-up contributions are
42 made to the ~~retirement system~~ Participating Local District Retirement Program
43 by that person. A person who elects not to remain a member may, at that person's

1 discretion, withdraw accumulated contributions in accordance with section
2 18306-A.

3 (2) A person who elects not to remain a member under the ~~retirement system~~
4 Participating Local District Retirement Program may later elect to again become
5 a member.

6 (a) Membership service credit for a person who elects to again become a
7 member under the ~~retirement system~~ Participating Local District Retirement
8 Program under this subparagraph begins as of the effective date of the first
9 contributions or pick-up contributions to ~~the retirement system~~ that program
10 following that person's election under this subparagraph.

11 (b) A person who rejoins the ~~retirement system~~ Participating Local District
12 Retirement Program under this subparagraph may, in accordance with section
13 18305-A, purchase service credit for the period during which that person
14 elected not to be a member of ~~the retirement system~~ that program. The
15 person may, in accordance with section 18304, repay contributions refunded
16 under subparagraph (1), unless to so elect would have the effect of requiring
17 the employer, without the employer's agreement, to make an employer
18 contribution to both the ~~retirement system~~ Participating Local District
19 Retirement Program and the plan provided by the employer under section
20 18252-B.

21 (c) A person who, having elected to again become a member under the
22 ~~retirement system~~ Participating Local District Retirement Program under this
23 subparagraph, later elects again not to be a member may, at that person's
24 discretion, withdraw accumulated contributions in accordance with section
25 18306-A and may not thereafter become a member under ~~the retirement~~
26 ~~system~~ that program while employed by the same participating local district.

27 D. If the participating local district does not have a plan provided under section
28 18252-B, the employees do not have the elections provided under paragraphs A and
29 B.

30 **Sec. 193. 5 MRSA §18252-A, sub-§2, ¶B**, as enacted by PL 1997, c. 709, §4, is
31 amended to read:

32 B. The participating local district employer is responsible for providing employees
33 with information as to membership under the ~~retirement system~~ Participating Local
34 District Retirement Program and as to coverage under the plan provided by the
35 employer under section 18252-B to assist the employee in making election decisions.
36 The retirement system shall provide the employer with information as to the
37 ~~retirement system~~ Participating Local District Retirement Program.

38 **Sec. 194. 5 MRSA §18252-A, sub-§3, ¶B**, as enacted by PL 2003, c. 630, Pt. A,
39 §6, is amended to read:

40 B. Whose membership in the ~~retirement system~~ Participating Local District
41 Retirement Program is optional under section 18252, section 18801, subsection 1 or
42 section 18251, subsection 3, paragraph A, B or C;

1 **Sec. 195. 5 MRSA §18252-A, sub-§3, ¶C**, as enacted by PL 2003, c. 630, Pt. A,
2 §6, is amended to read:

3 C. For whom membership in the ~~retirement-system~~ Participating Local District
4 Retirement Program is denied under section 18256; or

5 **Sec. 196. 5 MRSA §18252-B, sub-§3**, as enacted by PL 1997, c. 709, §4, is
6 amended to read:

7 **3. Employee contribution.** The employee must contribute as a percentage of
8 compensation in each pay period an amount not less than the employee would have been
9 required to contribute had the employee been a member under the ~~retirement-system~~
10 Participating Local District Retirement Program under the so-called "Regular Plan A" of
11 the consolidated plan for participating local districts, consistent with applicable
12 contribution limits of federal law.

13 **Sec. 197. 5 MRSA §18252-B, sub-§6, ¶B**, as enacted by PL 1997, c. 709, §4, is
14 amended to read:

15 B. If, after plan termination, the employer no longer provides a plan under this
16 section, an employee hired or rehired after termination of the plan must be a member
17 under the ~~retirement-system~~ Participating Local District Retirement Program.

18 **Sec. 198. 5 MRSA §18252-B, sub-§6, ¶C**, as enacted by PL 1997, c. 709, §4, is
19 amended to read:

20 C. Section 18252-A, subsection 1, paragraph B applies to an employee who is a
21 member under the ~~retirement-system~~ Participating Local District Retirement Program
22 at the time of the change, except that an employee who has previously exhausted the
23 elections available under section 18252-A, subsection 1, paragraph B and who elects
24 to be covered under the plan provided by the employer under this subsection may not
25 later become a member under the ~~retirement-system~~ that program while employed by
26 the same participating local district.

27 **Sec. 199. 5 MRSA §18253, sub-§1, ¶A**, as enacted by PL 1985, c. 801, §§5 and
28 7, is amended to read:

29 A. Any member of the ~~retirement-system~~ State Employee and Teacher Retirement
30 Program or the Participating Local District Retirement Program whose service is
31 terminated as a state employee, teacher or participating local district employee and
32 who becomes employed as a state employee, teacher or participating local district
33 employee with a new employer shall, if ~~he~~ the member has not previously withdrawn
34 ~~his~~ the member's accumulated contributions:

35 (1) Have ~~his~~ the membership transferred to ~~his~~ the member's account with the
36 new employer; and

37 (2) Be entitled to all benefits ~~which~~ that:

38 (a) Are based on creditable service and earnable compensation with the
39 previous employer and the provisions of this Part in effect with respect to the
40 previous employer at the date of termination of service by the member; and

1 (b) Do not require additional contributions by the new employer.

2 **Sec. 200. 5 MRSA §18253, sub-§1, ¶B**, as enacted by PL 1985, c. 801, §§5 and
3 7, is amended to read:

4 B. The new employer may elect to include the creditable service and earnable
5 compensation of the member with the previous employer with the creditable service
6 and earnable compensation with the new employer. If that election is made, the new
7 employer shall make, from time to time, whatever contributions are necessary to
8 provide the benefits under the applicable retirement system program for the member
9 as that have accrued to the member by reason of ~~his~~ the member's previous
10 employment and as that may accrue to the member by reason of ~~his~~ the member's
11 new employment.

12 **Sec. 201. 5 MRSA §18253, sub-§1, ¶C**, as amended by PL 1991, c. 580, §12, is
13 further amended to read:

14 C. If the new employer makes the election provided under paragraph B, all funds in
15 the applicable retirement system program contributed by the member's former
16 employer on account of the member's previous employment must be transferred to
17 the account of the new employer and must be used to liquidate the liability incurred
18 by reason of the previous employment.

19 **Sec. 202. 5 MRSA §18253, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is
20 amended to read:

21 **3. Former employee.** Notwithstanding anything to the contrary, a participating local
22 district may grant service credit for creditable service to any former employee who is
23 currently a member of the ~~retirement system~~ Participating Local District Retirement
24 Program. The entire actuarial cost of granting the service credit ~~shall~~ must be fully funded
25 by the district granting the service credit.

26 **Sec. 203. 5 MRSA §18254, first ¶**, as amended by PL 2001, c. 181, §8, is further
27 amended to read:

28 The withdrawal of a participating local district from the ~~retirement system~~
29 Participating Local District Retirement Program has the following effects on an employee
30 of the district and on the district itself.

31 **Sec. 204. 5 MRSA §18254, sub-§1**, as amended by PL 1987, c. 739, §§30 and
32 48, is further amended to read:

33 **1. Employee who withdraws accumulated contributions.** An employee of the
34 district who withdraws accumulated contributions may not be a member of the ~~retirement~~
35 system Participating Local District Retirement Program as an employee of that district.

36 **Sec. 205. 5 MRSA §18254, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is
37 amended to read:

1 **2. Person employed after district withdrawal.** A person who begins employment
2 with the district after the effective date of withdrawal of the district from the ~~retirement~~
3 ~~system~~ Participating Local District Retirement Program may not be a member of the
4 ~~retirement system~~ that program as an employee of that district.

5 **Sec. 206. 5 MRSA §18254, sub-§4**, as amended by PL 1987, c. 739, §§30 and
6 48, is further amended to read:

7 **4. Former employee who has not withdrawn accumulated contributions.** For a
8 former employee who has not withdrawn accumulated contributions from the ~~retirement~~
9 ~~system~~ Participating Local District Retirement Program, the district ~~shall continue~~
10 continues to be a participating local district and that person ~~shall be~~ is subject to this Part.

11 **Sec. 207. 5 MRSA §18254-A**, as enacted by PL 1991, c. 580, §13, is amended to
12 read:

13 **§18254-A. Effect of district's resumption of participation after withdrawal**

14 The board may establish by rule the effect on employees of a local district that
15 resumes participation in the ~~retirement system~~ Participating Local District Retirement
16 Program after having withdrawn from participation.

17 **Sec. 208. 5 MRSA §18255**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
18 to read:

19 **§18255. Disbanded or dissolved local district**

20 If, for any reason, any participating local district ceases to be an employing unit
21 eligible for inclusion in the ~~retirement system~~ Participating Local District Retirement
22 Program, the membership of its employees ~~shall cease~~ ceases except to the extent of any
23 benefits that may be provided by the funds that have been established under the
24 retirement system for that district.

25 **Sec. 209. 5 MRSA §18257, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
26 amended to read:

27 A member ceases to be a member of the ~~retirement system~~ Participating Local
28 District Retirement Program if the member:

29 **Sec. 210. 5 MRSA §18301, first ¶**, as amended by PL 1987, c. 739, §§33 and 48,
30 is further amended to read:

31 Each member shall contribute to the ~~retirement system~~ Participating Local District
32 Retirement Program or have pick-up contributions made by the employer at a rate of
33 6.5% of earnable compensation, except as otherwise provided in this Part.

34 **Sec. 211. 5 MRSA §18301, sub-§2**, as enacted by PL 1987, c. 739, §§33 and 48,
35 is amended to read:

1 **2. No employee option.** The employee may not choose to receive pick-up
2 contribution amounts directly instead of having them paid by the employer to the ~~system~~
3 Participating Local District Retirement Program.

4 **Sec. 212. 5 MRSA §18304, first ¶**, as amended by PL 2003, c. 630, Pt. A, §7, is
5 further amended to read:

6 Any former member who withdrew that person's contributions after termination of
7 service or after withdrawing from a retirement program of the retirement system and who
8 again becomes a member may repay earlier contributions to the Members' Contribution
9 Fund under the following conditions.

10 **Sec. 213. 5 MRSA §18304, sub-§2**, as amended by PL 1989, c. 710, §15, is
11 further amended to read:

12 **2. Manner of repayment.** The repayment must be made to the applicable
13 retirement system program by a single direct payment or by annual direct payments made
14 in accordance with section 18301, subsection 4.

15 **Sec. 214. 5 MRSA §18305, sub-§2**, as amended by PL 1989, c. 710, §16, is
16 further amended to read:

17 **2. Manner of payment.** The payment must be made to the ~~retirement system~~
18 Participating Local District Retirement Program by a single direct payment or by annual
19 direct payments made in accordance with section 18301, subsection 4.

20 **Sec. 215. 5 MRSA §18305, sub-§4**, as amended by PL 2003, c. 630, Pt. A, §9, is
21 further amended to read:

22 **4. Exception.** This section does not apply to a person whose membership in the
23 ~~retirement system~~ Participating Local District Retirement Program is optional, unless the
24 person is described in section 18251, subsection 3, paragraph B or C and the person
25 began membership before January 1, 1986.

26 **Sec. 216. 5 MRSA §18305-A, first ¶**, as enacted by PL 2003, c. 630, Pt. A, §10,
27 is amended to read:

28 A person whose membership is optional and who did not become a member on the
29 date of first employment or who reentered the ~~retirement system~~ Participating Local
30 District Retirement Program after having previously withdrawn may elect as permitted by
31 section 18251, 18252 or 18252-A, whichever is applicable, to pay into the Members'
32 Contribution Fund under the following conditions:

33 **Sec. 217. 5 MRSA §18305-A, sub-§2**, as enacted by PL 2003, c. 630, Pt. A, §10,
34 is amended to read:

35 **2. Manner of payment.** The payment must be made to the ~~retirement system~~
36 Participating Local District Retirement Program by a single direct payment or by annual
37 direct payments made in accordance with section 18301, subsection 4; and

1 **Sec. 218. 5 MRSA §18306-A, sub-§1**, as enacted by PL 2007, c. 137, §21, is
2 amended to read:

3 **1. Conditions for refund.** If the service of any member has terminated, except by
4 death or by retirement under this Part, or if an optional member withdraws from the
5 ~~retirement system~~ Participating Local District Retirement Program, or if an employee of a
6 district that withdraws from participation under section 18203 wishes to have
7 accumulated contributions refunded, the member or employee must be paid the amount of
8 the member's accumulated contributions under the following conditions:

9 A. The member must have properly applied for a refund of accumulated
10 contributions;

11 B. Payment must be made after termination of service and not less than 22 days nor
12 more than 60 days after receipt of the application and receipt of the last payroll upon
13 which the name of the member appears;

14 C. An application for refund is void if the member filing the application returns to
15 membership in any retirement ~~plan~~ program administered by the retirement system
16 before issuance of the payment;

17 D. Except when inclusion of a portion of employer contributions is required by
18 subsection 5, only accumulated contributions made by the member or picked up by
19 the employer may be refunded to that member under this section; and

20 E. The amount of the refund of accumulated contributions related to a member's
21 compensation for service rendered as a part-time, seasonal or temporary employee
22 after December 31, 1991 must be at least equal to 7.5% of the member's
23 compensation for that service plus interest as provided by section 17156.

24 **Sec. 219. 5 MRSA §18307-A, sub-§1**, as enacted by PL 2007, c. 137, §23, is
25 amended to read:

26 **1. Conditions for refund.** The retirement system may make an automatic refund of
27 contributions to a member who has not properly applied for a refund as provided in
28 section 18306-A and who has terminated service, except by death or by retirement under
29 this Part, or who as an optional member has withdrawn from ~~the a retirement system~~
30 program of the Maine Public Employees Retirement System, and who has not met the
31 minimum creditable service requirement for eligibility to receive a service retirement
32 benefit at the applicable age under the following conditions:

33 A. The member account ~~in the retirement system~~ has been inactive for 3 or more
34 years;

35 B. Except when inclusion of a portion of employer contributions is required by this
36 subsection, only accumulated contributions made by the member or picked up by the
37 employer may be refunded to that member under this subsection;

38 C. The amount of the refund of accumulated contributions related to a member's
39 compensation for service rendered as a part-time, seasonal or temporary employee
40 after December 31, 1991 must be at least equal to 7.5% of the member's
41 compensation for that service plus interest as provided by section 17156; and

1 D. A member who receives an automatic refund under this subsection may, within
2 30 days of the issuance of the refund, return the full refunded amount to the
3 retirement system. Upon receipt, the retirement system shall restore the accumulated
4 contributions to the member's credit.

5 **Sec. 220. 5 MRSA §18308**, as amended by PL 1999, c. 241, §3, is further
6 amended to read:

7 **§18308. CETA service**

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
9 following terms have the following meanings.

10 A. "CETA employee" means an employee enrolled in a program under the United
11 States Comprehensive Employment and Training Act of 1973, as amended.

12 B. "Employer" means the State or the participating local district with which the
13 CETA employee is placed for training and employment.

14 C. "Prime sponsor" means the CETA prime sponsor, a unit of government
15 responsible for planning and operating all CETA programs within the geographic
16 jurisdiction encompassed by that unit of government.

17 **2. Eligibility for membership.** CETA employees are considered eligible for
18 membership in the ~~retirement system~~ Participating Local District Retirement Program
19 from the date of their enrollment in a CETA program, whether or not they become
20 members.

21 **3. Employer's contributions.** Employer's contributions are governed as follows.

22 A. Notwithstanding this chapter and chapter 421, subchapter ~~IV~~ 4, neither the State
23 nor a participating local district is required to contribute to ~~the a retirement system~~
24 program of the Maine Public Employees Retirement System for CETA employees.

25 B. If an employee elects, under section 18361, to purchase his CETA time for past
26 creditable service, the employee's CETA prime sponsor shall then pay to the
27 applicable retirement system program an amount equal to the employer's
28 contribution, plus regular interest, for the employee's CETA time, using only CETA
29 funds.

30 **4. Employee's contributions.** Employee's contributions are governed as follows.

31 A. Notwithstanding section 18301, a CETA employee is not required to contribute
32 to ~~the a retirement system~~ program of the Maine Public Employees Retirement
33 System.

34 B. A CETA employee may contribute during ~~his~~ the employee's period of CETA
35 employment or may defer contributions until ~~his~~ the employee's post-CETA
36 employment status is known.

37 C. If an employee who has not contributed during ~~his~~ the employee's CETA
38 employment or who has withdrawn ~~his~~ the employee's contributions later elects,
39 under section 18361, to purchase ~~his~~ the employee's CETA time for past creditable

1 service, the employee shall pay to the applicable retirement system program of the
2 Maine Public Employees Retirement System an amount equal to the employee's
3 contributions, plus interest, as provided under section 18305.

4 D. If an employee or member who has not contributed during that employee's or
5 member's CETA employment or who has withdrawn that employee's or member's
6 contributions later elects, under section 18361, subsection 3, to purchase that
7 employee's or member's CETA time for past creditable service before any retirement
8 benefit becomes effective for that member, that employee or member must pay into
9 the Members' Contribution Fund, by a single direct payment or annual direct
10 payments to the applicable retirement system program of the Maine Public
11 Employees Retirement System, an amount that, together with regular interest on that
12 amount, is the actuarial equivalent, at the effective date of the retirement benefit, of
13 the portion of the retirement benefit based on the additional creditable service.
14 Annual payments must be made in accordance with section 18301, subsection 4.
15 Additional amounts paid under this paragraph become a part of the employee's or
16 member's accumulated contributions. If any retirement benefit becomes effective
17 before the completion of the payment under this paragraph, the employee or member
18 is entitled to service credit for a portion of the additional creditable service in the
19 same proportion that the total amount of payments actually made, plus regular
20 interest on those payments to the date the retirement benefit becomes effective, bears
21 to the actuarial equivalent of the total portion of the retirement benefit based on the
22 additional creditable service.

23 **5. Return of contributions.** Any CETA employee who contributed to ~~the a~~
24 ~~retirement system program of the Maine Public Employees Retirement System~~ during ~~his~~
25 ~~that employee's~~ CETA employment and who does not meet the requirements of section
26 18361, ~~shall must~~ be refunded ~~his that employee's~~ employee contributions, plus regular
27 interest, upon request to the retirement system.

28 **Sec. 221. 5 MRSA §18309, sub-§1**, as amended by PL 1987, c. 739, §§38 and
29 48, is further amended to read:

30 **1. Contribution rate.** Except as provided in subsection 2, each ~~fire-fighter~~
31 ~~firefighter~~, including the chief of a fire department, employed by a participating local
32 district ~~which that~~ provides a special retirement benefit under section 18453, subsection 4
33 or 5, shall contribute to the ~~retirement-system~~ Participating Local District Retirement
34 Program or have pick-up contributions made by the employer at a rate of 8% of earnable
35 compensation as long as employed as a ~~fire-fighter~~ firefighter.

36 **Sec. 222. 5 MRSA §18310, sub-§1**, as amended by PL 1987, c. 739, §§39 and
37 48, is further amended to read:

38 **1. Contribution rate.** Except as provided in subsection 2, each police officer,
39 including the chief of a police department, employed by a participating local district
40 ~~which that~~ provides a special retirement benefit under section 18453, subsection 7 or 8,
41 shall contribute to the ~~retirement-system~~ Participating Local District Retirement Program
42 or have pick-up contributions made by the employer at a rate of 8% of earnable
43 compensation as long as employed as a police officer.

1 **Sec. 223. 5 MRSA §18311, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is
2 amended to read:

3 **1. Service after becoming a member.** For employees who qualify to have their
4 membership in the ~~retirement system~~ Participating Local District Retirement Program
5 continued under section 18258, subsection 1, because of service in the Armed Forces of
6 the United States, the participating local district shall contribute to the Members'
7 Contribution Fund the same amount that the member would have been required to
8 contribute if the member had been serving the participating local district during the
9 period of service in the armed forces in the same capacity in which the employee was
10 serving at the time ~~he~~ the employee joined the armed forces. Any member whose
11 contributions to the Members' Contribution Fund are paid by the participating local
12 district under this subsection, who withdraws or ceases to be a member of the ~~retirement~~
13 ~~system~~ Participating Local District Retirement Program, may not withdraw any of the
14 contributions made by the participating local district under this subsection.

15 **Sec. 224. 5 MRSA §18311, sub-§2**, as amended by PL 1991, c. 23, §§1 and 2, is
16 further amended to read:

17 **2. Service before becoming a member.** A member who qualifies under section
18 18360, subsection 2, shall contribute to the ~~retirement system~~ Participating Local District
19 Retirement Program for the period after service in the armed forces under the following
20 terms and conditions.

21 A. If the member qualifies under section 18360, subsection 2, contributions are
22 calculated at the percentage rate required of active members during the period of time
23 covered by the service in the armed forces applied to the member's earnable
24 compensation during the first year as an employee subsequent to service in the armed
25 forces under the following terms and conditions:

26 (1) If 2 or more percentage rates were in effect during the period of service in the
27 armed forces, the highest percentage rate is used;

28 (2) The minimum rate is 5%; and

29 (3) Interest at a rate set by the board not to exceed regular interest by 2 or more
30 percentage points is paid on the unpaid balance beginning January 1, 1976, or the
31 date of attaining 15 years of creditable service, if later, to the date payment is
32 made.

33 C. The payment must be made to the ~~retirement system~~ Participating Local District
34 Retirement Program by a single direct payment or annual direct payments made in
35 accordance with section 18301, subsection 4.

36 **Sec. 225. 5 MRSA §18354, sub-§1, ¶B**, as amended by PL 1989, c. 710, §19, is
37 further amended to read:

38 B. The member, before any retirement benefit becomes effective, must make
39 contributions into the Members' Contribution Fund for the years of out-of-state
40 service on the same basis as the member would have made contributions had the
41 service been in the State, including interest at a rate, to be set by the board, not to

1 exceed regular interest by 5 or more percentage points. Interest ~~shall~~ must be
2 computed from the end of the year when those contributions would have been made,
3 if the service had been in the State, to the date of payment. The payment must be
4 made to the ~~retirement system~~ Participating Local District Retirement Program by a
5 single direct payment or by annual direct payments made in accordance with section
6 18301, subsection 4;

7 **Sec. 226. 5 MRSA §18354, sub-§2**, as amended by PL 1989, c. 710, §20, is
8 further amended to read:

9 **2. Alternative.** If service credit for out-of-state service is not allowed under
10 subsection 1, additional service credit for out-of-state service ~~shall~~ must be allowed for
11 any member in the determination of retirement benefit under this Part if the member,
12 before any retirement benefit becomes effective for that member, pays into the Members'
13 Contribution Fund, by a single direct payment or annual direct payments to the ~~retirement~~
14 ~~system~~ Participating Local District Retirement Program, an amount that, together with
15 regular interest on that amount, is the actuarial equivalent, at the effective date of the
16 retirement benefit, of the portion of the retirement benefit based on the additional
17 creditable service. Annual payments must be made in accordance with section 18301,
18 subsection 4.

19 A. Additional amounts paid under this subsection ~~shall~~ must become a part of the
20 member's accumulated contributions.

21 B. If any retirement benefit becomes effective before the completion of the
22 payment under this subsection, the member is entitled to service credit for that
23 portion of the additional creditable service that the total amount of payments actually
24 made, plus regular interest on those payments to the date the retirement benefit
25 becomes effective, bears to the actuarial equivalent of the total portion of the
26 retirement benefit based on the additional creditable service.

27 **Sec. 227. 5 MRSA §18356, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is
28 amended to read:

29 **3. Exceptions.** Leave beyond 90 days may qualify as service credit, up to the
30 maximum number of days of leave, set by personnel rules or by contract, that a person is
31 allowed to accumulate, if the participating local district pays into the ~~retirement system~~
32 Participating Local District Retirement Program the actuarial equivalent of the benefit.

33 **Sec. 228. 5 MRSA §18358, sub-§1**, as amended by PL 1987, c. 739, §§40 and
34 48, is further amended to read:

35 **1. Employee in service when district participation begins.** Any employee who is
36 in service on the date when participation of the local district begins and who elects to join
37 the ~~retirement system~~ Participating Local District Retirement Program after that date is
38 entitled to:

39 A. Service credit for prior service for the periods of previous service certified by
40 the participating local district as creditable prior service rendered to that district for
41 which the participating local district makes contributions; and

1 B. Service credit for all membership service for which contributions are paid into
2 the ~~retirement system~~ Participating Local District Retirement Program by the member
3 or picked up by the employer.

4 **Sec. 229. 5 MRSA §18358, sub-§2**, as amended by PL 2003, c. 630, Pt. A, §12,
5 is further amended to read:

6 **2. Optional members joining or rejoining the Participating Local District**
7 **Retirement Program.** A person who joins the ~~retirement system~~ Participating Local
8 District Retirement Program under section 18251, 18252 or 18252-A:

9 A. Receives service credit for the period during which the person elected not to be a
10 member of the ~~retirement system~~ Participating Local District Retirement Program
11 only if payments are made pursuant to section 18305 or 18305-A; and

12 B. Begins to accrue membership service credit on the effective date of first
13 contributions or pick-up contributions to the ~~retirement system~~ Participating Local
14 District Retirement Program.

15 **Sec. 230. 5 MRSA §18360, sub-§2**, as amended by PL 2007, c. 249, §29, is
16 further amended to read:

17 **2. Service before becoming a member.** If a participating local district elects to
18 provide service credit for service in the Armed Forces of the United States under this
19 subsection, a member who served as a full-time active duty member of the Armed Forces
20 of the United States before becoming a member of the ~~retirement system~~ Participating
21 Local District Retirement Program is entitled to service credit for the period of time ~~he~~
22 the member served in the armed forces, under the following terms and conditions.

23 A. Except as provided in paragraph I, on the date of retirement, the member must
24 have at least 15 years of creditable service.

25 C. The member must have separated from the armed forces under conditions other
26 than dishonorable.

27 D. Except as provided in paragraph E, the member must have begun membership
28 before January 1, 1976.

29 E. Except as provided in paragraph I, a member who served in the armed forces
30 during any federally recognized period of conflict, is entitled to service credit under
31 this subsection. For purposes of this paragraph, "federally recognized period of
32 conflict" means World War I, April 6, 1917 to November 11, 1918 or to March 31,
33 1920 if service was in Russia; World War II, December 7, 1941 to December 31,
34 1946; the Korean Conflict, June 27, 1950 to January 31, 1955; the Vietnam War,
35 August 5, 1964 to May 7, 1975 and the period beginning on February 28, 1961 and
36 ending on May 7, 1975 in the case of a veteran who served in the Republic of
37 Vietnam during that period; and the Persian Gulf War, August 7, 1990 to the date that
38 the United States Government recognizes as the end of the Persian Gulf War.

39 F. Except for members qualifying under paragraph E, this subsection:

1 (1) Applies to all persons, active or retired, but, for those already retired, the
2 effective date of any adjustment shall must be not earlier than the date on which
3 the time or credit is certified to the retirement system; and

4 (2) Does not apply to any member who begins membership on or after January 1,
5 1976.

6 G. Upon complete payment of the back contributions under section 18311, the
7 member shall must be granted service credit for the period of time for which the
8 contributions have been made. Upon making partial payment of the back
9 contributions under section 18311, the member shall must be granted service credit
10 on a pro rata basis in accordance with rules adopted by the board.

11 H. A participating local district may elect, with regard to special plans under
12 section 18453, subsections 2 to 9, that service credits under this subsection apply only
13 to additional retirement benefits under section 18453, subsections 10 and 11, and that
14 the service credits not apply to age or service requirements of retirement. Nothing in
15 this paragraph may be construed to affect in any way the rights of public employees
16 to collectively bargain for terms and conditions of employment.

17 I. A member who fails to meet one or more of the terms and conditions required
18 under paragraphs A, D and E may purchase service credit as provided in this
19 paragraph. The member must have at least 5 years of creditable service and, before
20 any retirement benefit becomes effective for that member, must pay into the
21 Members' Contribution Fund, by a single direct payment or annual direct payments to
22 the ~~retirement system~~ Participating Local District Retirement Program, an amount
23 that, together with regular interest on that amount, is the actuarial equivalent, at the
24 effective date of the retirement benefit, of the portion of the retirement benefit based
25 on the additional creditable service. Annual direct payments must be made in
26 accordance with section 17701, subsection 4. Any member who purchases service
27 credit under this paragraph who subsequently, without inclusion of the purchased
28 service credit and prior to retirement, meets the terms and conditions of paragraphs
29 A, D and E is entitled to purchase the service credit under section 18311, subsection 2
30 and to receive a refund of the amount paid under this paragraph that exceeds the cost
31 to purchase the service credit under section 18311.

32 **Sec. 231. 5 MRSA §18362, sub-§1, ¶C**, as amended by PL 1991, c. 558, §2, is
33 further amended to read:

34 C. The member must, before any retirement benefit becomes effective for the
35 member, make contributions into the Members' Contribution Fund, for the years of
36 private or parochial school teaching on the same basis as the member would have
37 made contributions had the service been as a state employee or teacher in this State,
38 including interest at a rate to be set by the board not to exceed regular interest by 5
39 or more percentage points. The member's earnings for the years of private or parochial
40 school teaching must be assumed to have been the same as the average salary for
41 teachers in this State as determined by the Department of Education for each of the
42 years when the private or parochial school teaching took place. Interest must be
43 computed beginning at the end of the year when those contributions would have been
44 made, if the service had been as a state employee or teacher in this State, to the date

1 of payment. Payment must be made by a single direct payment or annual direct
2 payments to the ~~retirement system~~ Participating Local District Retirement Program in
3 accordance with section 18301, subsection 4.

4 **Sec. 232. 5 MRSA §18362, sub-§1-A**, as enacted by PL 1993, c. 387, Pt. A, §19,
5 is amended to read:

6 **1-A. Alternative.** In the determination of the retirement benefit under this Part, if
7 service credit for private or parochial school teaching is not allowed under subsection 1
8 based upon the member not meeting the requirements of subsection 1, paragraph B or D,
9 additional service credit for private or parochial school teaching is allowed for any
10 member who meets the requirements of subsection 1, paragraphs A and E, if the member,
11 before any retirement benefit becomes effective for that member, pays into the Members'
12 Contribution Fund by a single direct payment or annual direct payments to the ~~retirement~~
13 system Participating Local District Retirement Program an amount that, together with
14 regular interest on that amount, is the actuarial equivalent at the effective date of the
15 retirement benefit of the portion of the retirement benefit based on the additional
16 creditable service.

17 Annual payments must be made in accordance with section 18301, subsection 4.

18 A. Additional amounts paid under this subsection become a part of the member's
19 accumulated contributions.

20 B. If any retirement benefit becomes effective before the completion of the
21 payment under this subsection, the member is entitled to service credit for that
22 portion of the additional creditable service that the total amount of payments actually
23 made, plus regular interest on those payments to the date the retirement benefit
24 becomes effective, bears to the actuarial equivalent of the total portion of the
25 retirement benefit based on the additional creditable service.

26 **Sec. 233. 5 MRSA §18362, sub-§2, ¶B**, as enacted by PL 1989, c. 78, §4, is
27 amended to read:

28 B. The member must return to active service as a member of the ~~retirement system~~
29 Participating Local District Retirement Program within one year of the completion of
30 the teaching outside of the State described in this section.

31 **Sec. 234. 5 MRSA §18362, sub-§2, ¶C**, as amended by PL 1989, c. 710, §22, is
32 further amended to read:

33 C. The member must, before any retirement benefit becomes effective for the
34 member, pay into the Members' Contribution Fund, by a single direct payment or
35 annual direct payments to the ~~retirement system~~ Participating Local District
36 Retirement Program, an amount that, together with regular interest on that amount, is
37 the actuarial equivalent, at the effective date of the member's retirement benefit, of
38 the portion of the member's retirement benefit based on the additional creditable
39 service. Annual payments must be made in accordance with section 18301,
40 subsection 4.

1 **Sec. 235. 5 MRSA §18402**, as enacted by PL 1985, c. 801, §§5 and 7, is amended
2 to read:

3 **§18402. Eligibility for benefits**

4 Only members of the ~~retirement-system~~ Participating Local District Retirement
5 Program or their spouses, surviving spouses, children, dependent children, parents or
6 beneficiaries are eligible to receive benefits from the ~~retirement-system~~ Participating
7 Local District Retirement Program.

8 **Sec. 236. 5 MRSA §18407, sub-§2, ¶A**, as enacted by PL 1985, c. 801, §§5 and
9 7, is amended to read:

10 A. A noncovered district ~~which~~ that has withdrawn from participation in the
11 ~~retirement-system~~ Participating Local District Retirement Program on or before June
12 30, 1987, under section 18203 is not required to provide cost-of-living adjustments
13 for its retired employees or their beneficiaries.

14 **Sec. 237. 5 MRSA §18408, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
15 amended to read:

16 If the membership of the employees of a participating local district ceases under
17 section 18255, the funds that have been established under the ~~retirement-system~~
18 Participating Local District Retirement Program for that district ~~shall~~ must be used to
19 provide benefits for members or beneficiaries at the date of the cessation of membership.

20 **Sec. 238. 5 MRSA §18408, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is
21 amended to read:

22 **1. Allocation.** The amount of the funds that have been established under the
23 ~~retirement-system~~ Participating Local District Retirement Program for the district at the
24 date of the cessation of membership ~~shall~~ must be allocated by the board in an equitable
25 manner to provide benefits for the members or beneficiaries:

26 A. In accordance with this Part as in effect at the date of the cessation; and

27 B. Based upon years of creditable service, average final compensation and
28 accumulated contributions as of the date of the cessation, in the following order of
29 priority:

30 (1) For the benefit of members to the extent of the then value of their
31 accumulated contributions in the Members' Contribution Fund;

32 (2) If any funds remain after allocation under subparagraph (1), then for the
33 benefit of beneficiaries then receiving payment of benefits after cessation of
34 payments to those beneficiaries, in proportion to the then actuarial value of their
35 respective benefits, but not to exceed the amount of those values;

36 (3) If any funds remain after allocation under subparagraph (2), then for the
37 benefit of members with at least 10 years of creditable service who are not then
38 receiving benefit payments, to the extent of the actuarial value of their retirement

1 allowances not provided by their accumulated contributions, allocating the funds
2 on the basis of the oldest ages first; and

3 (4) If any funds remain after allocation under subparagraph (3), then for the
4 benefit of members in service with the district on the date of the cessation with
5 less than 10 years of creditable service, who are not then receiving benefit
6 payments, to the extent of the actuarial value of their retirement allowances not
7 provided by their accumulated contributions, allocating the funds on the basis of
8 the oldest ages first.

9 **Sec. 239. 5 MRSA §18451, sub-§1, ¶D**, as enacted by PL 1999, c. 756, §18, is
10 amended to read:

11 D. Except as provided in paragraph E, has at least 10 years of creditable service,
12 which, for the purpose of determining completion of the 10-year requirement, may
13 include creditable service as a member of the Maine Legislative Retirement System
14 Program; or

15 **Sec. 240. 5 MRSA §18451, sub-§1, ¶E**, as enacted by PL 1999, c. 756, §18, is
16 amended to read:

17 E. Has at least 5 years of creditable service, which, for the purposes of determining
18 completion of the 5-year requirement, may include creditable service as a member of
19 the Maine Legislative Retirement System Program, and:

- 20 (1) Was in service on October 1, 1999;
21 (2) Had left prior to October 1, 1999 with or without withdrawing contributions
22 and on or after October 1, 1999 returned to service; or
23 (3) Was first in service on or after October 1, 1999.

24 **Sec. 241. 5 MRSA §18451, sub-§2, ¶A**, as amended by PL 1999, c. 756, §19, is
25 further amended to read:

26 A. Retires upon or after reaching 60 years of age and, except as provided in
27 paragraph D, has at least 10 years of creditable service, which, for the purpose of
28 determining completion of the 10-year requirement, may include creditable service as
29 a member of the Maine Legislative Retirement System Program; or

30 **Sec. 242. 5 MRSA §18451, sub-§2, ¶D**, as enacted by PL 1999, c. 756, §21, is
31 amended to read:

32 D. Has at least 5 years of creditable service, which, for the purposes of determining
33 completion of the 5-year requirement, may include creditable service as a member of
34 the Maine Legislative Retirement System Program, and:

- 35 (1) Was in service on October 1, 1999;
36 (2) Had left service prior to October 1, 1999 with or without withdrawing
37 contributions and on or after October 1, 1999 returned to service; or
38 (3) Was first in service on or after October 1, 1999.

1 **Sec. 243. 5 MRSA §18451, sub-§3**, as amended by PL 1999, c. 756, §22, is
2 further amended to read:

3 **3. Member with creditable service of 25 years or more.** A member, whether or
4 not in service at retirement, who has completed 25 or more years of creditable service
5 qualifies for a service retirement benefit if the member retires at any time after
6 completing 25 years of service, which may include, for the purpose of meeting eligibility
7 requirements, creditable service as a member of the ~~Maine~~ Legislative Retirement System
8 Program under Title 3, section 701, subsection 8.

9 **Sec. 244. 5 MRSA §18504, sub-§2**, as amended by PL 1991, c. 434, §3, is
10 further amended to read:

11 **2. Exception.** A member with fewer than 5 years of continuous creditable service
12 immediately preceding that member's application for a disability retirement benefit is not
13 eligible for that benefit if the disability is the result of a physical or mental condition
14 ~~which~~ that existed before the member's latest membership in ~~the~~ a retirement system
15 program of the Maine Public Employees Retirement System, unless the disability is a
16 result of, or has been substantially aggravated by, an injury or accident received in the
17 line of duty but from events or circumstances not usually encountered within the scope of
18 the member's employment.

19 **Sec. 245. 5 MRSA §18506, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is
20 amended to read:

21 **3. Restoration to service.** If any recipient of a disability retirement benefit is
22 restored to service, and if the total of the recipient's monthly retirement benefit for any
23 year and the recipient's total earnable compensation for that year exceed ~~his~~ the recipient's
24 average final compensation at retirement, increased or decreased by the same percentage
25 adjustments as have been received under section 18407, the excess ~~shall~~ must be
26 deducted from the disability retirement benefit payments during the next calendar year.

27 A. The deductions ~~shall~~ must be prorated on a monthly basis over the year or part
28 of the year for which benefits are received in an equitable manner prescribed by the
29 board.

30 B. The recipient of the disability retirement benefit shall reimburse the retirement
31 system for any excess payments not deducted under this section.

32 C. If the retirement benefit payments are eliminated by operation of this subsection:

33 (1) The person ~~shall~~ again ~~become~~ becomes a member of the ~~retirement system~~
34 Participating Local District Retirement Program and ~~shall begin~~ begins
35 contributing at the current rate; and

36 (2) When the person again retires, ~~he shall receive~~ the person must receive
37 benefits computed on ~~his~~ the person's entire creditable service and in accordance
38 with the law in effect at that time.

39 **Sec. 246. 5 MRSA §18524, sub-§2**, as amended by PL 1991, c. 434, §4, is
40 further amended to read:

1 **2. Exception.** A member with fewer than 5 years of continuous creditable service
2 immediately preceding that member's application for a disability retirement benefit is not
3 eligible for that benefit if the disability is the result of a physical or mental condition
4 ~~which that~~ existed before the member's membership in ~~the a~~ retirement system program
5 of the Maine Public Employees Retirement System, unless the disability is a result of, or
6 has been substantially aggravated by, an injury or accident received in the line of duty but
7 from events or circumstances not usually encountered within the scope of the member's
8 employment.

9 **Sec. 247. 5 MRSA §18530, sub-§3, ¶D**, as enacted by PL 1989, c. 409, §§11
10 and 12, is further amended to read:

11 D. ~~The~~ If the retirement benefit payments are eliminated by this subsection if:

12 (1) The person ~~shall~~ again ~~become~~ becomes a member of the ~~retirement system~~
13 Participating Local District Retirement Program and ~~begin~~ begins contributing at
14 the current rate; and

15 (2) When the person again retires, the person ~~shall~~ must receive benefits
16 computed on the basis of that person's entire creditable service and in accordance
17 with the law in effect at that time;

18 **Sec. 248. 5 MRSA §18542, first ¶**, as enacted by PL 1991, c. 887, §19, is
19 amended to read:

20 In the case of a participating local district having a ~~retirement system~~ Participating
21 Local District Retirement Program disability plan other than that provided by article 3 or
22 3-A, which plan is in force on October 15, 1992, the following provisions apply on and
23 after October 16, 1992:

24 **Sec. 249. 5 MRSA §18655, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is
25 amended to read:

26 **1. Local district.** A local district may participate in the group life insurance program
27 by filing with the board a duly certified copy of the resolution or record of the vote of the
28 body ~~which that~~ would be entitled to approve participation in the ~~retirement system~~
29 Participating Local District Retirement Program under section 18201. The resolution or
30 record of the vote ~~shall~~ must state which portions of the life insurance program
31 established under this chapter ~~shall~~ apply to the participating local district.

32 **Sec. 250. 5 MRSA §18663, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
33 amended to read:

34 Any local district participating in the group life insurance program under this
35 subchapter may withdraw from further participation by filing with the board a duly
36 certified copy of the results of the vote of the body ~~which that~~ would be entitled to
37 approve participation in the ~~retirement system~~ Participating Local District Retirement
38 Program under section 18201. This certification ~~shall~~ must include certification to the
39 board that equivalent coverage has been provided.

1 **Sec. 251. 5 MRSA §18801, sub-§4**, as amended by PL 1993, c. 250, §4, is
2 further amended to read:

3 **4. Implementation of plan.** The board, as part of its rules, shall set the minimum
4 number of local districts that must contract for participation and the minimum number of
5 members before the plan is put into operation. The rules must contain provisions related
6 to the transition from participation in chapter 425 to participation in this plan by local
7 districts and for setting the date when participation of the employees of a participating
8 local district in this plan begins. All local districts that are participating local districts
9 under chapter 425 on the date the plan is put into operation must elect to join the
10 consolidated plan, be transferred to the consolidated plan or withdraw from the ~~system~~
11 Participating Local District Retirement Program, in accordance with rules established by
12 the board.

13 **Sec. 252. 5 MRSA §18804, first ¶**, as amended by PL 1993, c. 250, §6, is further
14 amended to read:

15 All local districts that are participating local districts under chapter 425 on the date
16 the plan is put into operation may contract for participation in the plan in the manner
17 provided in subsection 1 or 2 for other local districts. A participating local district that
18 elects to be transferred into the consolidated plan must contract for participation
19 according to the terms of its transfer, in accordance with rules established by the board.
20 Other local districts may contract for the participation of their employees in the
21 ~~retirement system~~ Participating Local District Retirement Program under this chapter in
22 the manner provided by subsection 1 or 2.

23 **Sec. 253. 5 MRSA §18806, sub-§1**, as enacted by PL 1989, c. 811, §3, is
24 amended to read:

25 **1. Districts with employees covered by the Social Security Act.** A participating
26 local district with employees covered by the United States Social Security Act may
27 provide service retirement benefits for employees not covered by a special plan ~~which~~
28 that equal 1% of the member's average final compensation multiplied by the number of
29 years of membership service. Members covered by this benefit shall contribute to the
30 ~~retirement system~~ Participating Local District Retirement Program at the rate of 3% of
31 earnable compensation.

32 **Sec. 254. 5 MRSA §18806, sub-§2**, as enacted by PL 1989, c. 811, §3, is
33 amended to read:

34 **2. Defined contribution plan.** A participating local district may provide for the
35 participation of its employees who are members of the ~~system~~ Participating Local District
36 Retirement Program under this chapter, in a defined contribution plan that is part of the
37 consolidated plan provided by section 18801. Employees who choose not to become
38 members under section 18801, subsection 1, paragraph D may also participate in the
39 defined contribution plan.

SUMMARY

1

2 Public Law 2007, chapter 58 changed the name of the Maine State Retirement
3 System to "Maine Public Employees Retirement System" to better reflect the broad range
4 of groups that the system serves. This bill implements the effect of the name change by
5 clarifying how the various retirement plans and other programs administered by the
6 Maine Public Employees Retirement System are referenced in the system's governing
7 statutes.