

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2177

S.P. 837

January 28, 2008

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### **An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President EDMONDS of Cumberland.  
Cosponsored by Representative TUTTLE of Sanford and Senators: BARTLETT of Cumberland, PLOWMAN of Penobscot, STRIMLING of Cumberland, SULLIVAN of York, Representatives: CROCKETT of Augusta, Speaker CUMMINGS of Portland, PINGREE of North Haven, TARDY of Newport.

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

2 **Sec. 1. 5 MRSA §17656, sub-§1, ¶D**, as enacted by PL 2005, c. 636, Pt. B, §1, is  
3 amended to read:

4 ~~D. If the plan from which the member is transferring and the plan to which the~~  
5 ~~member is transferring are both plans described in section 286-M, subsection 3,~~  
6 ~~paragraph A, subparagraph (3), the member~~ Notwithstanding subsection 1, a member  
7 of the Maine Public Employees Retirement System who is a law enforcement officer  
8 as defined in Title 25, section 2801-A, subsection 5, or a state firefighter, whose  
9 previous membership was based upon employment as a municipal firefighter as  
10 defined in section 286-M, a law enforcement officer or a state firefighter may elect to  
11 make the contribution necessary to include all or part of the member's creditable  
12 service and earnable compensation from the prior plan in the new plan. The  
13 retirement system shall establish procedures for determining the contribution  
14 necessary for such a member to carry forward all or part of the creditable service and  
15 earnable compensation from a prior plan or plans. For purposes of this paragraph,  
16 "state firefighter" means a person employed by the State with the primary  
17 responsibility of aiding in the extinguishment of fires and includes a member of  
18 emergency medical services line personnel as defined in section 286-M, subsection 2,  
19 paragraph H.

20 **Sec. 2. 5 MRSA §18253, sub-§1, ¶E**, as enacted by PL 2005, c. 636, Pt. B, §2, is  
21 amended to read:

22 ~~E. If the plan from which the member is transferring and the plan to which the~~  
23 ~~member is transferring are both plans described in section 286-M, subsection 3,~~  
24 ~~paragraph A, subparagraph (3), the member~~ Notwithstanding subsection 1, a member  
25 of the Maine Public Employees Retirement System who is a law enforcement officer  
26 as defined in Title 25, section 2801-A, subsection 5, or a municipal firefighter as  
27 defined in section 286-M, whose previous membership was based upon employment  
28 as a law enforcement officer, a state firefighter or a municipal firefighter, and whose  
29 service retirement benefits are not otherwise governed by section 18801, subsection  
30 1, paragraph A, subparagraph 2 may elect to make the contribution necessary to  
31 include all or part of the member's creditable service and earnable compensation from  
32 the prior plan in the new plan. The retirement system shall establish procedures for  
33 determining the contribution necessary for such a member to carry forward all or part  
34 of the creditable service and earnable compensation from a prior plan or plans. For  
35 purposes of this paragraph, "state firefighter" means a person employed by the State  
36 with the primary responsibility of aiding in the extinguishment of fires and includes a  
37 member of emergency medical services line personnel as defined in section 286-M,  
38 subsection 2, paragraph H.

39 **SUMMARY**

40 This bill implements the intent of PL 2005, chapter 636, Part B. It allows law  
41 enforcement officers and firefighters to carry service credit and compensation from a

- 1 prior retirement plan to a new retirement plan within the Maine Public Employees
- 2 Retirement System as long as they pay the additional cost of doing so.