

MAINE STATE LEGISLATURE

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H. 466

L.D. 1007

Date: 4/28/9

(Filing No. H-184)

majority
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 695, L.D. 1007, Bill, "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

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

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

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

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

N. Oil and hazardous materials specialists, other than those covered in paragraph L, in the employment of the Department of Environmental Protection on January 1, 2010 or hired thereafter.

Sec. 4. 5 MRSA §17851-A, sub-§2, as repealed and replaced by PL 2003, c. 510, Pt. D, §1 and affected by §§6 and 7, is amended to read:

2. **Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after June 30, 2002 for employees identified in subsection 1, paragraph M; after December 31, 2009 for employees identified in subsection 1, paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

COMMITTEE AMENDMENT "A" to H.P. 695, L.D. 1007

1 A. Is at least 55 years of age and has completed at least 10 years of creditable
2 service under the 1998 Special Plan in any one or a combination of the capacities; or

3 B. Has completed at least 25 years of creditable service in any one or a combination
4 of the capacities specified in subsection 1, whether or not the creditable service
5 included in determining that the 25-year requirement has been met was earned under
6 the 1998 Special Plan or prior to its establishment.

7 **Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A**, as repealed and replaced by PL 2003, c.
8 510, Pt. D, §2 and affected by §§6 and 7, is amended to read:

9 A. For the purpose of meeting the qualification requirement of subsection 2,
10 paragraph A:

11 (1) Service credit purchased by repayment of an earlier refund of accumulated
12 contributions following termination of service is included only to the extent that
13 time to which the refund relates was served after June 30, 1998 and before
14 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
15 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
16 after December 31, 1999 for employees identified in subsection 1, paragraphs I to
17 K; ~~and after June 30, 2002 for employees identified in subsection 1, paragraph~~
18 M; and after December 31, 2009 for employees identified in subsection 1,
19 paragraph N, in any one or a combination of the capacities specified in subsection
20 1. Service credit may be purchased for service by an employee identified in
21 subsection 1, paragraph L regardless of when performed; and

22 (2) Service credit purchased other than as provided under subparagraph (1),
23 including but not limited to service credit for military service, is not included.

24 **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.
25 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

26 A. If all of the member's creditable service in any one or a combination of the
27 capacities specified in subsection 1 was earned after June 30, 1998 and before
28 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
29 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
30 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
31 December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and after~~
32 June 30, 2002 for employees identified in subsection 1, paragraph M; and after
33 December 31, 2009 for employees identified in subsection 1, paragraph N; if service
34 credit was purchased by repayment of an earlier refund of accumulated contributions
35 for service in any one or a combination of the capacities specified in subsection 1
36 after June 30, 1998 and before September 1, 2002 for employees identified in
37 subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in
38 subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in
39 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in
40 subsection 1, paragraph L; ~~and after June 30, 2002 for employees identified in~~
41 subsection 1, paragraph M; and after December 31, 2009 for employees identified in
42 subsection 1, paragraph N; or if service credit was purchased by other than the
43 repayment of an earlier refund and eligibility to make the purchase of the service
44 credit, including, but not limited to, service credit for military service, was achieved

1 after June 30, 1998 and before September 1, 2002 for employees identified in
 2 subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in
 3 subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in
 4 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in
 5 subsection 1, paragraph L; and after June 30, 2002 for employees identified in
 6 subsection 1, paragraph M; and after December 31, 2009 for employees identified in
 7 subsection 1, paragraph N, the benefit must be computed as provided in section
 8 17852, subsection 1, paragraph A.

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

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

15 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as repealed and replaced by PL 2003, c.
 16 510, Pt. D, §4 and affected by §§6 and 7, is amended to read:

17 B. Except as provided in paragraphs D and E, if some part of the member's
 18 creditable service in any one or a combination of the capacities specified in
 19 subsection 1 was earned before July 1, 1998 for employees identified in subsection 1,
 20 paragraphs A to H; before January 1, 2000 for employees identified in subsection 1,
 21 paragraphs I to K; before January 1, 2002 for employees identified in subsection 1,
 22 paragraph L; and before July 1, 2002 for employees identified in subsection 1,
 23 paragraph M; and before January 1, 2010 for employees identified in subsection 1,
 24 paragraph N and some part of the member's creditable service in any one or a
 25 combination of the capacities specified in subsection 1 was earned after June 30,
 26 1998 and before September 1, 2002 for employees identified in subsection 1,
 27 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
 28 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
 29 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
 30 paragraph L; and after June 30, 2002 for employees identified in subsection 1,
 31 paragraph M; and after December 31, 2009 for employees identified in subsection 1,
 32 paragraph N, then the member's service retirement benefit must be computed in
 33 segments and the amount of the member's service retirement benefit is the sum of the
 34 segments. The segments must be computed as follows:

35 (1) The segment or, if the member served in more than one of the capacities
 36 specified in subsection 1 and the benefits related to the capacities are not
 37 interchangeable under section 17856, segments that reflect creditable service
 38 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A
 39 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs
 40 I to K; before January 1, 2002 for employees identified in subsection 1,
 41 paragraph L; and before July 1, 2002 for employees identified in subsection 1,
 42 paragraph M; and before January 1, 2010 for employees identified in subsection
 43 1, paragraph N or purchased by repayment of an earlier refund of accumulated
 44 contributions for service before July 1, 1998, for employees identified in
 45 subsection 1, paragraphs A to H; before January 1, 2000 for employees identified

1 in subsection 1, paragraphs I to K; before January 1, 2002 for employees
2 identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees
3 identified in subsection 1, paragraph M; and before January 1, 2010 for
4 employees identified in subsection 1, paragraph N in a capacity or capacities
5 specified in subsection 1 or purchased by other than the repayment of a refund
6 and eligibility to make the purchase of the service credit, including, but not
7 limited to, service credit for military service, was achieved before July 1, 1998
8 for employees identified in subsection 1, paragraphs A to H; before January 1,
9 2000 for employees identified in subsection 1, paragraphs I to K; before January
10 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1,
11 2002 for employees identified in subsection 1, paragraph M; and before January
12 1, 2010 for employees identified in subsection 1, paragraph N, must be computed
13 under section 17852, subsection 1, paragraph A. If the member is qualified under
14 subsection 2, paragraph B and:

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

18 (b) Had fewer than 10 years of creditable service on July 1, 1993, the
19 amount of the segment or segments must be reduced as provided in section
20 17852, subsection 3-A; and

21 (2) The segment that reflects creditable service earned after June 30, 1998 and
22 before September 1, 2002 for employees identified in subsection 1, paragraphs A
23 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C
24 to H; after December 31, 1999 for employees identified in subsection 1,
25 paragraphs I to K; after December 31, 2001 for employees identified in
26 subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in
27 subsection 1, paragraph M; and after December 31, 2009 for employees
28 identified in subsection 1, paragraph N or purchased by repayment of an earlier
29 refund of accumulated contributions for service after June 30, 1998 and before
30 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
31 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
32 after December 31, 1999 for employees identified in subsection 1, paragraphs I to
33 K; after December 31, 2001 for employees identified in subsection 1, paragraph
34 L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M;
35 and after December 31, 2009 for employees identified in subsection 1, paragraph
36 N in any one or a combination of the capacities specified in subsection 1, or
37 purchased by other than the repayment of a refund and eligibility to make the
38 purchase of the service credit, including, but not limited to, service credit for
39 military service, was achieved after June 30, 1998 and before September 1, 2002
40 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998
41 for employees identified in subsection 1, paragraphs C to H; after December 31,
42 1999 for employees identified in subsection 1, paragraphs I to K; after December
43 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30,
44 2002 for employees identified in subsection 1, paragraph M; and after December
45 31, 2009 for employees identified in subsection 1, paragraph N must be

1 computed under section 17852, subsection 1, paragraph A. If the member is
2 qualified under subsection 2, paragraph B and:

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

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

10 **Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 2007, c. 491, §157, is
11 further amended to read:

12 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
13 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
14 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
15 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
16 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
17 paragraph L; and after June 30, 2002 for employees identified in subsection 1, paragraph
18 M; and after December 31, 2009 for employees identified in subsection 1, paragraph N, a
19 member in the capacities specified in subsection 1 must contribute to the State Employee
20 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%
21 of earnable compensation until the member has completed 25 years of creditable service
22 as provided in this section and at the rate of 7.65% thereafter.

23 **Sec. 9. Appropriations and allocations.** The following appropriations and
24 allocations are made.

25 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

26 **Administration - Finance 0018**

27 Initiative: Provides funds for the additional retirement costs for Oil and Hazardous
28 Material Specialist positions.

29	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
30	Personal Services	\$2,453	\$3,270
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,453</u>	<u>\$3,270</u>

33 **Performance Partnership Grant 0851**

34 Initiative: Provides funds for the additional retirement costs for Oil and Hazardous
35 Material Specialist positions.

1	FEDERAL EXPENDITURES FUND	2009-10	2010-11
2	Personal Services	\$10,312	\$13,749
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>\$10,312</u>	<u>\$13,749</u>
5	Remediation and Waste Management 0247		
6	Initiative: Provides funds for the additional retirement costs for Oil and Hazardous		
7	Material Specialist positions.		
8	GENERAL FUND	2009-10	2010-11
9	Personal Services	\$4,905	\$6,541
10			
11	GENERAL FUND TOTAL	<u>\$4,905</u>	<u>\$6,541</u>
12	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
13	Personal Services	\$15,216	\$20,289
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$15,216</u>	<u>\$20,289</u>
16	ENVIRONMENTAL PROTECTION,		
17	DEPARTMENT OF		
18	DEPARTMENT TOTALS	2009-10	2010-11
19			
20	GENERAL FUND	\$4,905	\$6,541
21	FEDERAL EXPENDITURES FUND	\$10,312	\$13,749
22	OTHER SPECIAL REVENUE FUNDS	\$17,669	\$23,559
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$32,886</u>	<u>\$43,849</u>
25			

26 **SUMMARY**

27 The amendment prospectively adds oil and hazardous materials specialists employed
 28 in the Department of Environmental Protection to the 1998 Special Plan who were not
 29 included in the original 1998 Special Plan. The amendment also adds an appropriations
 30 and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1007

LR 1034(02)

An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$4,905	\$6,541	\$6,541	\$6,541
Appropriations/Allocations				
General Fund	\$4,905	\$6,541	\$6,541	\$6,541
Federal Expenditures Fund	\$10,312	\$13,749	\$13,749	\$13,749
Other Special Revenue Funds	\$17,669	\$23,559	\$23,559	\$23,559

Fiscal Detail and Notes

Adding certain oil and hazardous materials emergency response workers within the Department of Environmental Protection to the 1998 Special Plan on a prospective basis only will increase the normal cost component of the employer retirement rate for these members from 5.75% of payroll to 6.50% of payroll. This bill includes General Fund appropriations of \$4,905 in fiscal year 2009-10 and \$6,541 in fiscal year 2010-11, Federal Expenditures Fund allocations of \$10,312 in fiscal year 2009-10 and \$13,749 in fiscal year 2010-11 and Other Special Revenue Funds allocations of \$17,669 in fiscal year 2009-10 and \$23,559 in fiscal year 2010-11 to support those additional costs.