

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 177

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H.P. 133

House of Representatives, January 24, 2017

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**An Act To Remove the Age Penalty for State Retirees Working at  
State Correctional Institutions That Are Closing**

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ALLEY of Beals.  
Cosponsored by Senator MAKER of Washington and  
Representatives: DUNPHY of Old Town, FECTEAU of Biddeford, GOLDEN of Lewiston,  
HICKMAN of Winthrop, LUCHINI of Ellsworth, PERRY of Calais, STANLEY of Medway,  
TUCKER of Brunswick.

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

2 **Sec. 1. 5 MRSA §17852-A** is enacted to read:

3 **§17852-A. Computation of benefit for certain correctional facility employees**

4 **1. Definition.** As used in this section, unless the context otherwise indicates,  
5 "correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.

6 **2. Correctional facility employees.** Notwithstanding section 17852 and any other  
7 provision of law, the service retirement benefit for a member for whom an appropriation  
8 of funds has been made under subsection 4 is computed as provided in subsection 3 if the  
9 member:

10 A. Has creditable service of 25 years or more;

11 B. Has not reached what would be the member's normal retirement age absent this  
12 section;

13 C. Is employed in a correctional facility that closes and that is located more than 100  
14 miles from the nearest correctional facility; and

15 D. Retires as a direct result of the closure of the facility described in paragraph C.

16 **3. Benefit.** The amount of the service retirement benefit for a member qualified  
17 under subsection 2 is 1/50 of the member's average final compensation multiplied by the  
18 number of years of creditable service.

19 **4. Appropriation of funds.** The service retirement benefit for a member who meets  
20 the conditions of subsection 2 is computed under subsection 3 only if the retirement  
21 system has received an appropriation from the Legislature for the additional actuarial  
22 costs that result from the elimination of a reduction for retirement prior to normal  
23 retirement age.

24 **5. Certification.** The Commissioner of Administrative and Financial Services shall  
25 provide certification of the pending closure of a correctional facility to the retirement  
26 system. The retirement system shall calculate the funds necessary under subsection 4 and  
27 report that information to the joint standing committee of the Legislature having  
28 jurisdiction over retirement matters. The committee is authorized to report out legislation  
29 appropriating funds for the costs set forth in the report.

30 **SUMMARY**

31 This bill allows employees at state correctional facilities that close who have not  
32 reached their normal retirement age to retire and receive their full retirement benefit if  
33 certain conditions are met and funding is appropriated for the additional actuarial costs  
34 that result from the elimination of a reduction for retirement prior to normal retirement  
35 age.

36 This bill requires the Commissioner of Administrative and Financial Services to  
37 provide certification of the pending closure of a state correctional facility to the Maine

1 Public Employees Retirement System. The bill requires the retirement system to  
2 calculate the amount of funding necessary to pay for the actuarial costs and report that  
3 information to the joint standing committee of the Legislature having jurisdiction over  
4 retirement matters. The bill provides that the joint standing committee may report out  
5 legislation appropriating funds for the costs set forth in the report.