

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 650

S.P. 212

In Senate, February 28, 2017

An Act To Clarify and Protect Certain Public Service Retirement Benefits

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator WOODSOME of York.
Cosponsored by Representative MARTIN of Sinclair and
Senators: BELLOWS of Kennebec, COLLINS of York, DAVIS of Piscataquis, GRATWICK of Penobscot, JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: FOLEY of Wells, GERRISH of Lebanon, GRANT of Gardiner, GROHMAN of Biddeford, HARRINGTON of Sanford, MASTRACCIO of Sanford, McELWEE of Caribou, PICCHIOTTI of Fairfield, SAMPSON of Alfred.

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

2 **Sec. 1. 5 MRSA §17801, sub-§1, ¶B**, as enacted by PL 1999, c. 489, §3, is
3 amended to read:

4 B. The protections established under the provisions listed in subparagraph (1)
5 constitute solemn contractual commitments of the State protected under the contract
6 clauses of the Constitution of Maine, Article I, Section 11 and the United States
7 Constitution, Article I, Section 10, under the terms and conditions set out in
8 subparagraph (2).

9 (1) The commitment provided by this section applies to the protections
10 established under the specific following provisions:

11 (a) Section 17001, subsection 4; and subsection 13, paragraph B,
12 subparagraph (1) and paragraph C, subparagraph (2);

13 (b) Section 17806, ~~subsection~~ subsections 1 to 4;

14 (c) The subsection of section 17851, that is applicable to each member;

15 (d) The paragraph of subsection 2 of section 17851-A, that is applicable to
16 each member;

17 (e) The paragraph of subsection 4 of section 17851-A, that is applicable to
18 each member; and

19 (f) The subsection of section 17852, that is applicable to each member.

20 (2) The commitment established in this paragraph attaches to a given provision
21 of those specified in subparagraph (1) when the member in question has met the
22 creditable service requirement set out in the given provision, on the basis of
23 which the protection established by the provision becomes effective.

24 **SUMMARY**

25 This bill changes the contractual commitment to maintain state-protected benefits
26 regarding cost-of-living adjustments for retired state employees and teachers by
27 specifying that it constitutes a solemn contractual commitment of the State that is
28 protected under the Constitution of Maine and the United States Constitution.