

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1365

H.P. 942

House of Representatives, April 6, 2017

**An Act To Include Additional Corrections Officers under the 1998
Special Plan for Retirement and To Amend the Laws Governing
Retirement Benefits for Capitol Police Officers**

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 BRYANT of Windham.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: AUSTIN of Skowhegan, BEEBE-CENTER of Rockland, COREY of
Windham, HILLIARD of Belgrade, MARTIN of Sinclair, Senators: DESCHAMBAULT of
York, DIAMOND of Cumberland, LIBBY of Androscoggin.

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

2 **Sec. 1. 5 MRSA §17712**, as amended by PL 2007, c. 491, §129, is further
3 amended to read:

4 **§17712. Maine State Prison, Maine Correctional Center, Long Creek Youth**
5 **Development Center, Downeast Correctional Facility, Mountain View Youth**
6 **Development Center and Charleston Correctional Facility employees**

7 **1. Before September 1, 1984.** An employee of the Maine State Prison, Maine
8 Correctional Center, Long Creek Youth Development Center, Downeast Correctional
9 Facility, Mountain View Youth Development Center or Charleston Correctional Facility
10 who holds a position described in section 17851, subsection 11, and who was first
11 employed in one of those capacities before September 1, 1984, shall contribute to the
12 State Employee and Teacher Retirement Program or have pick-up contributions made by
13 the employer as follows:

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

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

20 **2. After August 31, 1984.** An employee of the Maine State Prison, Maine
21 Correctional Center, Long Creek Youth Development Center, Downeast Correctional
22 Facility, Mountain View Youth Development Center or Charleston Correctional Facility
23 who was first employed after August 31, 1984, in a position described in section 17851,
24 subsection 11, shall contribute to the State Employee and Teacher Retirement Program or
25 have pick-up contributions made by the employer as follows:

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

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

31 **Sec. 2. 5 MRSA §17712-A**, as amended by PL 2007, c. 491, §130, is further
32 amended to read:

33 **§17712-A. Maine State Prison, Maine Correctional Center, Long Creek Youth**
34 **Development Center, Downeast Correctional Facility, Mountain View Youth**
35 **Development Center and Charleston Correctional Facility employees;**
36 **members hired after July 1, 1992**

37 Notwithstanding section 17712, an employee of the Maine State Prison, Maine
38 Correctional Center, Long Creek Youth Development Center, Downeast Correctional
39 Facility, Mountain View Youth Development Center or Charleston Correctional Facility
40 who holds a position described in section 17851, subsection 11 and who is hired after

1 July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a
2 rate of 1% of earnable compensation in addition to the contribution required under
3 section 17712.

4 **Sec. 3. 5 MRSA §17712-B**, as amended by PL 2007, c. 491, §131, is further
5 amended to read:

6 **§17712-B. Maine State Prison, Maine Correctional Center, Long Creek Youth**
7 **Development Center, Downeast Correctional Facility, Mountain View Youth**
8 **Development Center and Charleston Correctional Facility employees;**
9 **contributions on and after July 1, 1993**

10 Notwithstanding sections 17712 and 17712-A, on and after July 1, 1993 an employee
11 of the Maine State Prison, Maine Correctional Center, Long Creek Youth Development
12 Center, Downeast Correctional Facility, Mountain View Youth Development Center or
13 Charleston Correctional Facility who holds a position described in section 17851,
14 subsection 11 shall contribute to the State Employee and Teacher Retirement Program or
15 have pick-up contributions made at a rate of 1.15% of earnable compensation in addition
16 to the contributions required under section 17712.

17 **Sec. 4. 5 MRSA §17851, sub-§11**, as amended by PL 1999, c. 731, Pt. CCC, §1,
18 is further amended to read:

19 **11. Maine State Prison, Maine Correctional Center, Long Creek Youth**
20 **Development Center, Downeast Correctional Facility, Mountain View Youth**
21 **Development Center and Charleston Correctional Facility employees.** Except as
22 provided in section 17851-A, the warden or deputy warden of the Maine State Prison,
23 any officer or employee of the Maine State Prison, Maine Correctional Center, Long
24 Creek Youth Development Center, Downeast Correctional Facility, Mountain View
25 Youth Development Center or Charleston Correctional Facility employed as a guard or in
26 the management of prisoners or any person employed as the supervising officer of those
27 officers or employees or as an advocate at the Maine State Prison, Maine Correctional
28 Center, Long Creek Youth Development Center, Downeast Correctional Facility,
29 Mountain View Youth Development Center or Charleston Correctional Facility qualifies
30 for a service retirement benefit if that person:

31 A. Was employed in one of those capacities before September 1, 1984 and:

32 (1) Completes 20 years of creditable service in one or more of those capacities;
33 and

34 (2) Retires upon or after reaching the age of 50 years; or

35 B. Was employed in one of those capacities after August 31, 1984 and before
36 January 1, 2000 and completed 25 years of creditable service in one or more of those
37 capacities.

38 Notwithstanding any other provision in this section, no person in the employ of the
39 Bangor Pre-Release Center on August 4, 1988 who would have qualified for a service
40 retirement benefit if the Bangor Pre-Release Center had remained the administrative

1 responsibility of the Maine State Prison may be denied such a benefit by virtue of the
2 transfer of that responsibility to the Charleston Correctional Facility.

3 A person in the employ of the Bangor Pre-Release Center to whom paragraph A applies
4 and who is employed at the Bangor Pre-Release Center on June 30, 2000 remains covered
5 under paragraph A notwithstanding the closing of the Bangor Pre-Release Center if the
6 person is thereafter and without a break in service employed in a capacity to which this
7 subsection or section 17851-A, subsection 1, paragraph I applies or if not thereafter
8 employed in such a capacity but having qualified at the time of the closing of the Bangor
9 Pre-Release Center for retirement under paragraph A, retires then or at a later time.

10 **Sec. 5. 5 MRSA §17851-A, sub-§1, ¶E**, as amended by PL 1999, c. 493, §4, is
11 further amended to read:

12 E. Maine State Prison, Maine Correctional Center, Long Creek Youth Development
13 Center, Downeast Correctional Facility, Mountain View Youth Development Center
14 and Charleston Correctional Facility employees to whom section 17851, subsection
15 11, paragraph B applies and who were employed after August 31, 1984 and before
16 January 1, 2000;

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

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

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

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

33 **Sec. 7. 5 MRSA §17851-A, sub-§3, ¶A**, as repealed and replaced by PL 2003, c.
34 510, Pt. D, §2 and affected by §§6 and 7, is amended to read:

35 A. For the purpose of meeting the qualification requirement of subsection 2,
36 paragraph A:

37 (1) Service credit purchased by repayment of an earlier refund of accumulated
38 contributions following termination of service is included only to the extent that
39 time to which the refund relates was served after June 30, 1998 and before
40 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
41 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;

1 and after December 31, 1999 for employees identified in subsection 1,
2 paragraphs I to K; ~~and after June 30, 2002 for employees identified in subsection~~
3 ~~1, paragraph M~~; in any one or a combination of the capacities specified in
4 subsection 1. Service credit may be purchased for service by an employee
5 identified in subsection 1, ~~paragraph~~ paragraphs L and M regardless of when
6 performed; and

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

9 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.
10 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

11 A. If all of the member's creditable service in any one or a combination of the
12 capacities specified in subsection 1 was earned after June 30, 1998 and before
13 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
14 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
15 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
16 December 31, 2001 for employees identified in subsection 1, paragraph L; and ~~after~~
17 ~~June 30, 2002~~ regardless of when earned for employees identified in subsection 1,
18 paragraph M; if service credit was purchased by repayment of an earlier refund of
19 accumulated contributions for service in any one or a combination of the capacities
20 specified in subsection 1 after June 30, 1998 and before September 1, 2002 for
21 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
22 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
23 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for
24 employees identified in subsection 1, paragraph L; and ~~after June 30, 2002~~ regardless
25 of when earned for employees identified in subsection 1, paragraph M; or if service
26 credit was purchased by other than the repayment of an earlier refund and eligibility
27 to make the purchase of the service credit, including, but not limited to, service credit
28 for military service, was achieved after June 30, 1998 and before September 1, 2002
29 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
30 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
31 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for
32 employees identified in subsection 1, paragraph L; and ~~after June 30, 2002~~ regardless
33 of when earned for employees identified in subsection 1, paragraph M, the benefit
34 must be computed as provided in section 17852, subsection 1, paragraph A.

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

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

41 **Sec. 9. 5 MRSA §17851-A, sub-§4, ¶D**, as repealed and replaced by PL 2001, c.
42 409, §5, is amended to read:

1 D. The service retirement benefit of a member who is a Maine State Prison, Maine
2 Correctional Center, Long Creek Youth Development Center, Downeast Correctional
3 Facility, Mountain View Youth Development Center or Charleston Correctional
4 Facility employee to whom subsection 1, paragraph E applies, and who qualifies for
5 service retirement benefits under subsection 2, paragraph B, must be computed under
6 section 17852, subsection 1, paragraph A on the basis of all of the member's
7 creditable service in the capacity specified in subsection 1, paragraph E regardless of
8 whether the creditable service was earned before, on or after July 1, 1998, except
9 that:

10 (1) If the member had 10 years of service on July 1, 1993, the benefit must be
11 reduced as provided in section 17852, subsection 10, paragraph C, subparagraphs
12 (1) and (2); or

13 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,
14 the benefit must be reduced as provided in section 17852, subsection 10,
15 paragraph C-1.

16 **Sec. 10. 5 MRSA §17851-A, sub-§4, ¶E**, as enacted by PL 2001, c. 409, §5, is
17 amended to read:

18 E. The service retirement benefit of a member to whom subsection 1, paragraph L or
19 M applies and who qualifies for service retirement benefits under subsection 2 must
20 be computed under section 17852, subsection 1, paragraph A on the basis of all of the
21 member's creditable service in the capacity specified in subsection 1, paragraph L or
22 M, regardless of when that creditable service was earned, except that for a member
23 qualifying under subsection 2, paragraph B:

24 (1) If the member had 10 years of service on July 1, 1993, the benefit must be
25 reduced as provided in section 17852, subsection 3, paragraphs A and B for each
26 year the member's age precedes 55 years of age; or

27 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,
28 the benefit must be reduced by 6% for each year that the member's age precedes
29 55 years of age.

30 **Sec. 11. 5 MRSA §17852, sub-§10**, as amended by PL 1993, c. 410, Pt. L, §§40
31 and 41, is further amended to read:

32 **10. Maine State Prison, Maine Correctional Center, Long Creek Youth**
33 **Development Center, Downeast Correctional Facility, Mountain View Youth**
34 **Development Center and Charleston Correctional Facility employees.** The amount of
35 the service retirement benefit for members qualified under section 17851, subsection 11,
36 ~~shall be~~ is computed as follows.

37 A. For members qualifying under section 17851, subsection 11, paragraph A, 1/2 of
38 ~~his~~ the member's average final compensation and an additional 2% of ~~his~~ the
39 member's average final compensation for each year of membership service not
40 included in determining qualification under section 17851, subsection 11, paragraph
41 A.

1 B. For members who qualify under section 17851, subsection 11, paragraph B, and
2 who retire upon or after reaching the age of 55, the retirement benefit ~~shall be~~ is
3 computed in accordance with subsection 1.

4 C. For members who qualify under section 17851, subsection 11, paragraph B, and
5 who retire before reaching the age of 55, the retirement benefit is determined in
6 accordance with subsection 1, except that:

7 (1) The amount arrived at under subsection 1 is reduced by applying to that
8 amount the percentage that a life annuity due at age 55 bears to the life annuity
9 due at the age of retirement; and

10 (2) For the purpose of making the computation under subparagraph (1), the
11 board-approved tables of annuities in effect at the date of the member's retirement
12 is used.

13 This paragraph applies to members who, on July 1, 1993, have 10 years of creditable
14 service. For the purpose of calculating creditable service under this subsection only,
15 creditable service includes time during which a member participated in the voluntary
16 cost savings plan or the voluntary employee incentive program, authorized by Public
17 Law 1989, chapter 702, Part E, section ~~F-6~~ 6 and Public Law 1991, chapter 591, Part
18 BB and chapter 780, Part VV, or 10 years of combined creditable service under this
19 Part and Title 3, chapter 29, or creditable service available to a member that the
20 member was eligible to purchase on June 30, 1993 and that the member does
21 purchase in accordance with rules adopted by the board.

22 C-1. For persons qualifying under section 17851, subsection 11, paragraph B, and
23 who retire before reaching the age of 55, the retirement benefit is determined in
24 accordance with subsection 1, except that the benefit is reduced by 6% for each year
25 that the member's age precedes age 55.

26 This paragraph applies to members who, on July 1, 1993, do not have 10 years of
27 creditable service.

28 **SUMMARY**

29 This bill adds employees of the Maine Correctional Center, Long Creek Youth
30 Development Center, Downeast Correctional Facility, Mountain View Youth
31 Development Center and Charleston Correctional Facility to the retirement laws
32 governing employees of the Maine State Prison, including the 1998 Special Plan.

33 This bill provides that service retirement benefits for a Capitol Police officer in the
34 employment of the Department of Public Safety must be computed on the basis of all of
35 the member's creditable service, regardless of when that service was earned.