

MAINE STATE LEGISLATURE

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Bill
A.C.B.

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Date: 6/5/19 Majority

L.D. 833
(Filing No. H- 496)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 607, L.D. 833, Bill, "An Act To Provide the Same Retirement Benefits for State Employees Working in Law Enforcement as Are Provided to Law Enforcement Officers"

Amend the bill by striking out the title and substituting the following:

'An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers'

Amend the bill by striking out everything after the enacting clause 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 and amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; ~~and~~

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

N. Emergency communications specialists in the employment of the Department of Public Safety on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

Sec. 4. 5 MRSA §17851-A, sub-§2, as amended by PL 2017, c. 439, §1, is further 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

COMMITTEE AMENDMENT

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1 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
2 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
3 employees identified in subsection 1, paragraphs I to K; any employee identified in
4 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,
5 paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a
6 service retirement benefit if that member either:

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

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

13 **Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 2017, c. 439, §2, is
14 further amended to read:

15 A. For the purpose of meeting the qualification requirement of subsection 2,
16 paragraph A:

17 (1) Service credit purchased by repayment of an earlier refund of accumulated
18 contributions following termination of service is included only to the extent that
19 time to which the refund relates was served after June 30, 1998 and before
20 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
21 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
22 ~~and~~ after December 31, 1999 for employees identified in subsection 1,
23 paragraphs I to K; and after June 30, 2020 for employees identified in subsection
24 1, paragraph N in any one or a combination of the capacities specified in
25 subsection 1. Service credit may be purchased for service by an employee
26 identified in subsection 1, paragraphs L and M regardless of when performed;
27 and

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

30 **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A,** as repealed and replaced by PL 2003, c.
31 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

32 A. If all of the member's creditable service in any one or a combination of the
33 capacities specified in subsection 1 was earned after June 30, 1998 and before
34 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
35 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
36 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
37 December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after
38 June 30, 2002 for employees identified in subsection 1, paragraph M; and after June
39 30, 2020 for employees identified in subsection 1, paragraph N; if service credit was
40 purchased by repayment of an earlier refund of accumulated contributions for service
41 in any one or a combination of the capacities specified in subsection 1 after June 30,
42 1998 and before September 1, 2002 for employees identified in subsection 1,
43 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,

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1 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
2 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
3 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,
4 paragraph M; and after June 30, 2020 for employees identified in subsection 1,
5 paragraph N; or if service credit was purchased by other than the repayment of an
6 earlier refund and eligibility to make the purchase of the service credit, including, but
7 not limited to, service credit for military service, was achieved after June 30, 1998
8 and before September 1, 2002 for employees identified in subsection 1, paragraphs A
9 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to
10 H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to
11 K; after December 31, 2001 for employees identified in subsection 1, paragraph L;
12 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and
13 after June 30, 2020 for employees identified in subsection 1, paragraph N, the benefit
14 must be computed as provided in section 17852, subsection 1, paragraph A.

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

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

21 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2017, c. 439, §3, is
22 further amended to read:

23 B. Except as provided in paragraphs D, E and F, if some part of the member's
24 creditable service in any one or a combination of the capacities specified in
25 subsection 1 was earned before July 1, 1998 for employees identified in subsection 1,
26 paragraphs A to H; before January 1, 2000 for employees identified in subsection 1,
27 paragraphs I to K; before January 1, 2002 for employees identified in subsection 1,
28 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,
29 paragraph M; and before July 1, 2020 for employees identified in subsection 1,
30 paragraph N and some part of the member's creditable service in any one or a
31 combination of the capacities specified in subsection 1 was earned after June 30,
32 1998 and before September 1, 2002 for employees identified in subsection 1,
33 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
34 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
35 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
36 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,
37 paragraph M; and after June 30, 2020 for employees identified in subsection 1,
38 paragraph N, then the member's service retirement benefit must be computed in
39 segments and the amount of the member's service retirement benefit is the sum of the
40 segments. The segments must be computed as follows:

41 (1) The segment or, if the member served in more than one of the capacities
42 specified in subsection 1 and the benefits related to the capacities are not
43 interchangeable under section 17856, segments that reflect creditable service
44 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A
45 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs

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1 I to K; before January 1, 2002 for employees identified in subsection 1,
2 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,
3 paragraph M; and before July 1, 2020 for employees identified in subsection 1,
4 paragraph N or purchased by repayment of an earlier refund of accumulated
5 contributions for service before July 1, 1998, for employees identified in
6 subsection 1, paragraphs A to H; before January 1, 2000 for employees identified
7 in subsection 1, paragraphs I to K; before January 1, 2002 for employees
8 identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees
9 identified in subsection 1, paragraph M; and before July 1, 2020 for employees
10 identified in subsection 1, paragraph N in a capacity or capacities specified in
11 subsection 1 or purchased by other than the repayment of a refund and eligibility
12 to make the purchase of the service credit, including, but not limited to, service
13 credit for military service, was achieved before July 1, 1998 for employees
14 identified in subsection 1, paragraphs A to H; before January 1, 2000 for
15 employees identified in subsection 1, paragraphs I to K; before January 1, 2002
16 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for
17 employees identified in subsection 1, paragraph M; and before July 1, 2020 for
18 employees identified in subsection 1, paragraph N, must be computed under
19 section 17852, subsection 1, paragraph A. If the member is qualified under
20 subsection 2, paragraph B and:

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

24 (b) Had fewer than 10 years of creditable service on July 1, 1993, the
25 amount of the segment or segments must be reduced as provided in section
26 17852, subsection 3-A; and

27 (2) The segment that reflects creditable service earned after June 30, 1998 and
28 before September 1, 2002 for employees identified in subsection 1, paragraphs A
29 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C
30 to H; after December 31, 1999 for employees identified in subsection 1,
31 paragraphs I to K; after December 31, 2001 for employees identified in
32 subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in
33 subsection 1, paragraph M; and after June 30, 2020 for employees identified in
34 subsection 1, paragraph N or purchased by repayment of an earlier refund of
35 accumulated contributions for service after June 30, 1998 and before September
36 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June
37 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
38 December 31, 1999 for employees identified in subsection 1, paragraphs I to K;
39 after December 31, 2001 for employees identified in subsection 1, paragraph L;
40 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M;
41 and after June 30, 2020 for employees identified in subsection 1, paragraph N in
42 any one or a combination of the capacities specified in subsection 1, or purchased
43 by other than the repayment of a refund and eligibility to make the purchase of
44 the service credit, including, but not limited to, service credit for military service,
45 was achieved after June 30, 1998 and before September 1, 2002 for employees
46 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees

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3 identified in subsection 1, paragraphs C to H; after December 31, 1999 for
4 employees identified in subsection 1, paragraphs I to K; after December 31, 2001
5 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for
6 employees identified in subsection 1, paragraph M; and after June 30, 2020 for
7 employees identified in subsection 1, paragraph N must be computed under
section 17852, subsection 1, paragraph A. If the member is qualified under
subsection 2, paragraph B and:

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

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

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

17 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
18 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
19 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
20 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
21 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
22 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph
23 M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, a
24 member in the capacities specified in subsection 1 must contribute to the State Employee
25 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%
26 of earnable compensation until the member has completed 25 years of creditable service
27 as provided in this section and at the rate of 7.65% thereafter.

28 **Sec. 9. Transition.** If an emergency communications specialist in the employment
29 of the Department of Public Safety on July 1, 2020 elects to participate in the 1998
30 Special Plan of the Maine Public Employees Retirement System, as provided in the
31 Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph N, that
32 employee must make that election no later than September 30, 2020 and that employee's
33 participation in the 1998 Special Plan becomes effective October 1, 2020.

34 **Sec. 10. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **PUBLIC SAFETY, DEPARTMENT OF**

37 **Consolidated Emergency Communications Z021**

38 Initiative: Allocates funds for the cost of adding Emergency Communications Specialist,
39 Emergency Communications Specialist - Lead and Emergency Communications
40 Specialist - Supervisor positions into the 1998 Special Plan.

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CONSOLIDATED EMERGENCY COMMUNICATIONS FUND	2019-20	2020-21
Personal Services	\$0	\$91,838
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CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL	\$0	\$91,838

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment is the majority report of the committee and replaces the bill. The amendment allows emergency communications specialists in the employment of the Department of Public Safety to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 833

LR 1420(02)

An Act To Provide the Same Retirement Benefits for State Employees Working in Law Enforcement as Are Provided to Law Enforcement Officers

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-496)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Appropriations/Allocations				
Consolidated Emergency Communications Fund	\$0	\$91,838	\$95,052	\$98,379

Fiscal Detail and Notes

Allowing emergency communications specialists (including employees in a lead or supervisory position) employed within the Department of Public Safety on or after July 1, 2020 to participate in the 1998 Special Plan of the Maine Public Employees Retirement System will increase both the normal cost and unfunded actuarial liability components of the employer retirement rate, resulting in increased employer contributions to the Maine Public Employees Retirement System for these positions beginning in fiscal year 2020-21.

This legislation includes a transition provision for those emergency communication specialists hired by the department prior to July 1, 2020 which allows these employees to elect to participate in the 1998 Special Plan no later than September 30, 2020. Based on an analysis performed by the Maine Public Employees Retirement System, this fiscal note assumes that 42 emergency communication specialists (including those employees in a lead or a supervisory position) will elect to participate in the 1998 Special Plan as soon as the option becomes available and the remaining specialists will opt to stay in the State Regular Plan. This bill includes a Consolidated Emergency Communications Fund allocation of \$91,838 in fiscal year 2020-21 to the Department of Public Safety for the cost associated with moving the positions to the 1998 Special Plan.

If any of the emergency communications specialists hired by the Department of Public Safety prior to July 1, 2020 who choose to remain in the State Regular Plan eventually retire or otherwise vacate their positions, any newly hired emergency communication specialists will be placed in the 1998 Special Plan. The additional cost to the Bureau of Motor Vehicles to fill these positions at the higher employer contribution rate is estimated to be between \$2,000 and \$3,000 per position annually. When this additional cost will be incurred cannot be determined at this time.