

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1480

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H.P. 1082

House of Representatives, April 4, 2019

### **An Act To Modify Retirement Plans for Fire Investigators and Sergeants**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative HARRINGTON of Sanford.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: CEBRA of Naples, KESCHL of Belgrade, MORRIS of Turner, NADEAU of  
Winslow, THERIAULT of China, WADSWORTH of Hiram, Senators: SANBORN, L. of  
Cumberland, WOODSOME of York.

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

2 **Sec. 1. 5 MRSA §17851, sub-§13**, as amended by PL 1999, c. 493, §3, is further  
3 amended to read:

4 **13. Fire marshals; option.** Except as provided in section 17851-A, a state fire  
5 marshal, ~~state fire marshal investigator~~ or state fire marshal inspector qualifies for a  
6 service retirement benefit upon reaching 55 years of age after completing at least 25 years  
7 of creditable service in that capacity if notice of election of the option and payment of  
8 employee contributions and actuarial costs are made as provided in section 17852,  
9 subsection 13.

10 A. Except as provided in section 17851-A, a state fire marshal investigator, state fire  
11 marshal senior investigator or state fire marshal sergeant qualifies for a service  
12 retirement benefit after completing at least 20 years of creditable service in that  
13 capacity.

14 **Sec. 2. 5 MRSA §17852, sub-§1, ¶¶B and C**, as amended by PL 2011, c. 380,  
15 Pt. T, §17, are further amended to read:

16 B. The total amount of the service retirement benefit of any member qualifying  
17 under section 17851, subsection 1-B, 1-C, 1-D or 1-E who became a member before  
18 July 1, 1947, and for whom the date of establishment of the retirement system is July  
19 1, 1942, must be at least equal to 1/2 of the member's average final compensation, if  
20 the member has at least 20 years of total creditable service, including at least 13 years  
21 of prior service if the member retires upon or after reaching age 70; ~~or~~

22 C. Effective October 1, 1999, for a member who, on October 1, 1999 or thereafter,  
23 meets the creditable service requirement for eligibility to receive a service retirement  
24 benefit, at the applicable age if so required, under section 17851, subsection 1-B;  
25 section 17851, subsection 1-C, paragraph A; section 17851, subsection 1-C,  
26 paragraph B; section 17851, subsection 1-D; section 17851, subsection 1-E; section  
27 17851, subsection 2-B; section 17851, subsection 2-C, paragraph A; section 17851,  
28 subsection 2-C, paragraph B; section 17851, subsection 2-D; or section 17851,  
29 subsection 2-E, the factors specified in paragraphs A and B may not be changed,  
30 alone or in combination; ~~or~~

31 **Sec. 3. 5 MRSA §17852, sub-§1, ¶D** is enacted to read:

32 D. One-fortieth of the member's average final compensation multiplied by the  
33 number of years of membership service for up to 20 years and one-fiftieth for  
34 additional years. Membership service under this paragraph does not include  
35 creditable service under the Legislative Retirement Program.

36 **Sec. 4. 5 MRSA §17852, sub-§13, ¶A**, as amended by PL 2007, c. 491, §169, is  
37 further amended to read:

38 A. The person was first employed as a fire marshal on or after October 1, 1997,  
39 elects the option provided in section 17851, subsection 13 and pays to the State

1 Employee and Teacher Retirement Program an increased employee payroll  
2 contribution in an amount that equals the full actuarial cost of electing that option; or

3 **Sec. 5. 5 MRSA §17852, sub-§13, ¶B**, as amended by PL 2007, c. 491, §170, is  
4 further amended to read:

5 B. The person was first employed as a fire marshal before October 1, 1997, elects the  
6 option provided in section 17851, subsection 13 and pays to the State Employee and  
7 Teacher Retirement Program a single payment or periodic payments of a lump sum or  
8 a combination of single and periodic payments of that amount that equals the full  
9 actuarial cost of electing that option for service before that date; or

10 **Sec. 6. 5 MRSA §17852, sub-§13, ¶C** is enacted to read:

11 C. Except as provided in section 17851-A, the retirement benefit of a person who  
12 qualifies under section 17851, subsection 13, paragraph A and who retires after  
13 completing 20 years of creditable service is computed in accordance with subsection  
14 1, paragraph D.

15 **Sec. 7. 5 MRSA §17852, sub-§14, ¶C** is enacted to read:

16 C. This subsection does not apply to members qualifying for benefits under section  
17 17851, subsection 13, paragraph A.

18 **SUMMARY**

19 This bill changes the eligibility requirements for the retirement of a state fire marshal  
20 investigator, state fire marshal senior investigator and state fire marshal sergeant under  
21 the Maine Public Employees Retirement System from 55 years of age and 25 years of  
22 creditable service to just 20 years of creditable service.