

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 190

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S.P. 78

In Senate, January 27, 2021

**An Act To Amend the Laws Governing Retirement Benefit  
Reductions for Corrections Officers Currently Included in the 1998  
Special Plan**

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Received by the Secretary of the Senate on January 25, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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

2 **Sec. 1. Computation of service retirement benefits for certain employees**  
3 **of the Department of Corrections.** Notwithstanding the Maine Revised Statutes, Title  
4 5, section 17851-A, subsection 4 or any other provision of law to the contrary, the service  
5 retirement benefit of a qualified member must be computed on the basis of all of the  
6 qualified member's creditable service in the capacity specified in Title 5, section 17851-A,  
7 subsection 1, paragraph I, regardless of when that creditable service was earned, except  
8 that for a member qualifying for a retirement benefit under Title 5, section 17851-A,  
9 subsection 2, paragraph B:

10 1. If the member had 10 years of creditable service on July 1, 1993, the benefit must  
11 be reduced as provided in Title 5, section 17852, subsection 3, paragraphs A and B for each  
12 year the member's age precedes 55 years of age; or

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

16 **Sec. 2. Qualified member; definition.** As used in this Act, "qualified member"  
17 means a member on the effective date of this Act to whom the Maine Revised Statutes,  
18 Title 5, section 17851-A, subsection 1, paragraph I applies and who:

19 1. Was employed by the Department of Corrections prior to January 1, 2000;

20 2. Is employed in a correctional facility as defined in Title 34-A, section 1001,  
21 subsection 6; and

22 3. Receives a direct care stipend pursuant to a collective bargaining agreement in effect  
23 on the effective date of this Act.

24 As used in this Act, the terms "creditable service," "member" and "retirement benefit" have  
25 the same meanings as in Title 5, section 17001.

26 **SUMMARY**

27 This bill requires that service retirement benefits for employees of the Department of  
28 Corrections included in the 1998 Special Plan as of the effective date of the bill who receive  
29 a direct care stipend pursuant to a collective bargaining agreement and who were employed  
30 prior to January 1, 2000 be computed on the same basis as benefits for other members under  
31 the plan are computed; creditable service is included regardless of when that service was  
32 earned.