

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 5/21/21

(Filing No. S-114 )

## MAJORITY

## LABOR AND HOUSING

Reproduced and distributed under the direction of the Secretary of the Senate.

## STATE OF MAINE

## SENATE

## 130TH LEGISLATURE

## FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 331, L.D. 1041, "An Act To Include Certain Mental Health Workers under the 1998 Special Plan for Retirement"

Amend the bill by striking out all of section 5 and inserting the following:

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

Q. Employees of the Department of Health and Human Services on October 1, 2021 or hired thereafter who have responsibility for providing crisis outreach and crisis services to adults with developmental disabilities or intellectual disabilities in a community-based or residential setting, except for an institutional setting.'

Amend the bill by inserting after section 12 the following:

'Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
Crisis Outreach Program Z216**

Initiative: Provides ongoing funds for the costs associated with the increase in the employer's contribution rates for the normal cost and unfunded actuarial liability as a result of certain mental health workers within the Department of Health and Human Services being allowed to participate in the 1998 Special Plan effective January 1, 2022.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$15,305	\$31,580
<b>GENERAL FUND TOTAL</b>	<b>\$15,305</b>	<b>\$31,580</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$13,903	\$28,687
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$13,903</b>	<b>\$28,687</b>

# COMMITTEE AMENDMENT

**Developmental Services - Community Z208**

Initiative: Provides ongoing funds for the costs associated with the increase in the employer's contribution rates for the normal cost and unfunded actuarial liability as a result of certain mental health workers within the Department of Health and Human Services being allowed to participate in the 1998 Special Plan effective January 1, 2022.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$2,802	\$5,802
<b>GENERAL FUND TOTAL</b>	<b>\$2,802</b>	<b>\$5,802</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>\$18,107</b>	<b>\$37,382</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$13,903</b>	<b>\$28,687</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$32,010</b>	<b>\$66,069</b>

**RETIREMENT SYSTEM, MAINE PUBLIC  
EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Provides one-time funds for the increase in the unfunded actuarial liability as a result of allowing the service retirement benefits for certain mental health workers within the Department of Health and Human Services earned under the regular state employee and teacher plan to be calculated under the 1998 Special Plan effective January 1, 2022.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$101,483	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$101,483</b>	<b>\$0</b>

**RETIREMENT SYSTEM, MAINE PUBLIC  
EMPLOYEES  
DEPARTMENT TOTALS**

	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>\$101,483</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$101,483</b>	<b>\$0</b>

<b>SECTION TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>\$119,590</b>	<b>\$37,382</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$13,903</b>	<b>\$28,687</b>

**SECTION TOTAL - ALL FUNDS**

**\$133,493**

**\$66,069**

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

**SUMMARY**

This amendment is the majority report of the committee and narrows the scope of the bill with respect to employees eligible for the 1998 Special Plan of the Maine Public Employees Retirement System. While the bill adds employees who provide direct care in community-based or residential settings and in mental health institutions in this State, the amendment instead adds employees who provide crisis outreach and services to adults with developmental disabilities or intellectual disabilities in a community-based or residential setting, except for an institutional setting.

This amendment also adds an appropriations and allocations section to provide the necessary funding to add these employees to the 1998 Special Plan of the Maine Public Employees Retirement System.

**FISCAL NOTE REQUIRED**

(See attached)

**130th MAINE LEGISLATURE****LD 1041****LR 579(02)****An Act To Include Certain Mental Health Workers under the 1998 Special Plan for Retirement**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-114)**  
**Committee: Labor and Housing**  
**Fiscal Note Required: Yes**

**Fiscal Note**

	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>Projections FY 2023-24</b>	<b>Projections FY 2024-25</b>
<b>Net Cost (Savings)</b>				
General Fund	\$119,590	\$37,382	\$38,579	\$39,812
<b>Appropriations/Allocations</b>				
General Fund	\$119,590	\$37,382	\$38,579	\$39,812
Other Special Revenue Funds	\$13,903	\$28,687	\$29,605	\$30,552

**Fiscal Detail and Notes**

This legislation adds certain mental health workers employed in the Department of Health and Human Services (DHHS) on October 1, 2021, or hired thereafter, who have a responsibility for providing crisis outreach and crisis services to adults with developmental and intellectual disabilities in a community-based or residential setting, except for an institutional setting, to the 1998 Special Plan and allows the service retirement benefits already earned by those employees under the State Employee and Teacher program to be calculated under the 1998 Special Plan. This bill includes General Fund appropriations totaling \$119,590 in fiscal year 2021-22 and \$37,382 in fiscal year 2022-23 for the cost of this provision. Other Special Revenue Funds allocations of \$13,903 and \$28,687 are also provided in fiscal years 2021-22 and 2022-23, respectively.

Of the total General Fund appropriations included in the bill, \$101,483 is provided on a one-time basis to the Retirement Allowance Fund within the Maine Public Employees Retirement System (MainePERS) for the increase in the unfunded actuarial liability created as a result of the retroactive provision in this bill. Pursuant to the Constitution of Maine, Article IX, Section 18-A, unfunded liabilities may not be created except those that result from experience losses.

Additionally, this bill includes General Fund appropriations totaling \$18,107 in fiscal year 2021-22 and \$37,382 in fiscal year 2022-23 to the Crisis Outreach program and the Developmental Services - Community program within DHHS for the increase in the employer's contribution to the normal cost component and unfunded actuarial liability for those employees that elect to participate in the 1998 Special Plan. This legislation includes a transition provision for those eligible mental health workers hired by DHHS prior to October 1, 2021 which allows them to elect to participate in the 1998 Special Plan by December 31, 2021. An analysis provided by MainePERS identified 33 eligible mental health workers that may elect to participate in the 1998 Special Plan as soon as the option becomes available.

If any of the eligible mental health workers hired by DHHS prior to October 1, 2021 who choose to remain in the regular State Employee and Teacher Plan eventually retire or otherwise vacate their positions, any newly hired direct care workers will be placed in the 1998 Special Plan. The additional cost to DHHS 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 and which fund will be impacted cannot be determined at this time.