

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1041

S.P. 331

In Senate, March 10, 2021

**An Act To Include Certain Mental Health Workers under the 1998  
Special Plan for Retirement**

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Reference to the Committee on Labor and Housing suggested 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. 5 MRSA §17851-A, sub-§1, ¶K**, as amended by PL 2019, c. 482, §1, is  
3 further amended to read:

4 K. The State Fire Marshal or a state fire marshal inspector in the employment of the  
5 Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30,  
6 2020, a state fire marshal investigator in the employment of the Department of Public  
7 Safety on January 1, 2000 or hired thereafter; ~~and~~

8 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶N**, as enacted by PL 2019, c. 537, §3, is  
9 amended to read:

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

13 **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶O**, as reallocated by RR 2019, c. 2, Pt. A,  
14 §3, is amended to read:

15 O. Detectives in the employment of the office of investigations within the Department  
16 of the Secretary of State, Bureau of Motor Vehicles on July 1, 2020 who elect to  
17 participate in the 1998 Special Plan or hired thereafter;

18 **Sec. 4. 5 MRSA §17851-A, sub-§1, ¶P**, as reallocated by RR 2019, c. 2, Pt. A,  
19 §4, is amended to read:

20 P. Detectives in the employment of the Office of the Attorney General on July 1, 2020  
21 who elect to participate in the 1998 Special Plan or hired thereafter; and

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

23 Q. Persons in the employment of the Department of Health and Human Services on  
24 October 1, 2021 or hired thereafter who have responsibility for providing direct care to  
25 persons in need of mental health services in a community-based or residential setting  
26 or to residents or patients of mental health institutions in this State. For purposes of  
27 this paragraph, "direct care" means services or treatment essential to a person's security,  
28 health or well-being, except for case management services.

29 **Sec. 6. 5 MRSA §17851-A, sub-§2**, as corrected by RR 2019, c. 2, Pt. A, §5, is  
30 amended to read:

31 **2. Qualification for benefits.** A member employed in any one or a combination of  
32 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
33 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
34 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
35 employees identified in subsection 1, paragraphs I to K; any employee identified in  
36 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,  
37 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,  
38 paragraph Q; and any employee identified in subsection 1, paragraph L, qualifies for a  
39 service retirement benefit if that member either:

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

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

5 **Sec. 7. 5 MRSA §17851-A, sub-§3, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §6,  
6 is amended by amending subparagraph (1) to read:

7 (1) Service credit purchased by repayment of an earlier refund of accumulated  
8 contributions following termination of service is included only to the extent that  
9 time to which the refund relates was served after June 30, 1998 and before  
10 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
11 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
12 after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
13 K; and after June 30, 2020 for employees identified in subsection 1, paragraphs N  
14 to P in any one or a combination of the capacities specified in subsection 1. Service  
15 credit may be purchased for service by an employee identified in subsection 1,  
16 paragraphs L ~~and~~ M ~~and~~ Q regardless of when performed; and

17 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §7,  
18 is amended to read:

19 A. If all of the member's creditable service in any one or a combination of the  
20 capacities specified in subsection 1 was earned after June 30, 1998 and before  
21 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
22 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
23 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
24 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
25 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30,  
26 2020 for employees identified in subsection 1, paragraphs N to P; and after September  
27 30, 2021 for employees identified in subsection 1, paragraph Q; if service credit was  
28 purchased by repayment of an earlier refund of accumulated contributions for service  
29 in any one or a combination of the capacities specified in subsection 1 after June 30,  
30 1998 and before September 1, 2002 for employees identified in subsection 1,  
31 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
32 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
33 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
34 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph  
35 M; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to  
36 P; and after September 30, 2021 for employees identified in subsection 1, paragraph  
37 Q; or if service credit was purchased by other than the repayment of an earlier refund  
38 and eligibility to make the purchase of the service credit, including, but not limited to,  
39 service credit for military service, was achieved after June 30, 1998 and before  
40 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
41 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
42 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
43 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
44 30, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ after June 30,  
45 2020 for employees identified in subsection 1, paragraphs N to P; and after September

1           30, 2021 for employees identified in subsection 1, paragraph Q, the benefit must be  
2 computed as provided in section 17852, subsection 1, paragraph A.

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

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

9           **Sec. 9. 5 MRSA §17851-A, sub-§4, ¶B**, as corrected by RR 2019, c. 2, Pt. A, §8,  
10 is amended to read:

11           B. Except as provided in paragraphs D, E ~~and~~ F and G, if some part of the member's  
12 creditable service in any one or a combination of the capacities specified in subsection  
13 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs  
14 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
15 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L;  
16 before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before  
17 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before  
18 October 1, 2021 for employees identified in subsection 1, paragraph Q and some part  
19 of the member's creditable service in any one or a combination of the capacities  
20 specified in subsection 1 was earned 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 December 31, 2001 for  
24 employees identified in subsection 1, paragraph L; after June 30, 2002 for employees  
25 identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees  
26 identified in subsection 1, paragraphs N to P; and after September 30, 2021 for  
27 employees identified in subsection 1, paragraph Q, then the member's service  
28 retirement benefit must be computed in segments and the amount of the member's  
29 service retirement benefit is the sum of the segments. The segments must be computed  
30 as follows:

31           (1) The segment or, if the member served in more than one of the capacities  
32 specified in subsection 1 and the benefits related to the capacities are not  
33 interchangeable under section 17856, segments that reflect creditable service  
34 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
35 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
36 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
37 L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~  
38 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
39 and before October 1, 2021 for employees identified in subsection 1, paragraph Q  
40 or purchased by repayment of an earlier refund of accumulated contributions for  
41 service before July 1, 1998, for employees identified in subsection 1, paragraphs  
42 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
43 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
44 L; before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~  
45 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;

1 and before October 1, 2021 for employees identified in subsection 1, paragraph Q  
2 in a capacity or capacities specified in subsection 1 or purchased by other than the  
3 repayment of a refund and eligibility to make the purchase of the service credit,  
4 including, but not limited to, service credit for military service, was achieved  
5 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;  
6 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;  
7 before January 1, 2002 for employees identified in subsection 1, paragraph L;  
8 before July 1, 2002 for employees identified in subsection 1, paragraph M; and  
9 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
10 and before October 1, 2021 for employees identified in subsection 1, paragraph Q,  
11 must be computed under section 17852, subsection 1, paragraph A. If the member  
12 is qualified under subsection 2, paragraph B and:

13 (a) Had 10 years of creditable service on July 1, 1993, the amount of the  
14 segment or segments must be reduced as provided in section 17852, subsection  
15 3, paragraphs A and B; or

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

19 (2) The segment that reflects creditable service earned after June 30, 1998 and  
20 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
21 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
22 to H; after December 31, 1999 for employees identified in subsection 1, paragraphs  
23 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph  
24 L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and  
25 after June 30, 2020 for employees identified in subsection 1, paragraphs N to P;  
26 and after September 30, 2021 for employees identified in subsection 1, paragraph  
27 Q or purchased by repayment of an earlier refund of accumulated contributions for  
28 service after June 30, 1998 and before September 1, 2002 for employees identified  
29 in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified  
30 in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
31 identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
32 employees identified in subsection 1, paragraph L; after June 30, 2002 for  
33 employees identified in subsection 1, paragraph M; and after June 30, 2020 for  
34 employees identified in subsection 1, paragraphs N to P; and after September 30,  
35 2021 for employees identified in subsection 1, paragraph Q in any one or a  
36 combination of the capacities specified in subsection 1, or purchased by other than  
37 the repayment of a refund and eligibility to make the purchase of the service credit,  
38 including, but not limited to, service credit for military service, was achieved after  
39 June 30, 1998 and before September 1, 2002 for employees identified in subsection  
40 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection  
41 1, paragraphs C to H; after December 31, 1999 for employees identified in  
42 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified  
43 in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
44 subsection 1, paragraph M; and after June 30, 2020 for employees identified in  
45 subsection 1, paragraphs N to P; and after September 30, 2021 for employees  
46 identified in subsection 1, paragraph Q must be computed under section 17852,

1 subsection 1, paragraph A. If the member is qualified under subsection 2,  
2 paragraph B and:

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

7 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment  
8 amount must be reduced by 6% for each year that the member's age precedes  
9 55 years of age.

10 **Sec. 10. 5 MRSA §17851-A, sub-§4, ¶G** is enacted to read:

11 G. The service retirement benefit of a member to whom subsection 1, paragraph Q  
12 applies and who qualifies for service retirement benefits under subsection 2 must be  
13 computed under section 17852, subsection 1, paragraph A on the basis of all of the  
14 member's creditable service in the capacity specified in subsection 1, paragraph Q,  
15 regardless of when that creditable service was earned, except that for a member  
16 qualifying under subsection 2, paragraph B:

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

20 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,  
21 the benefit must be reduced by 6% for each year that the member's age precedes  
22 55 years of age.

23 **Sec. 11. 5 MRSA §17851-A, sub-§5,** as corrected by RR 2019, c. 2, Pt. A, §9, is  
24 amended to read:

25 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June  
26 30, 1998 and before September 1, 2002 for employees identified in subsection 1,  
27 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
28 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
29 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
30 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M;  
31 ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and  
32 after September 30, 2021 for employees identified in subsection 1, paragraph Q, a member  
33 in the capacities specified in subsection 1 must contribute to the State Employee and  
34 Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of  
35 earnable compensation until the member has completed 25 years of creditable service as  
36 provided in this section and at the rate of 7.65% thereafter.

37 **Sec. 12. Transition.** If an employee described in the Maine Revised Statutes, Title  
38 5, section 17851-A, subsection 1, paragraph Q who is employed on October 1, 2021 elects  
39 to participate in the 1998 Special Plan of the Maine Public Employees Retirement System,  
40 as provided in Title 5, section 17851-A, subsection 1, that employee must make that  
41 election no later than December 31, 2021 and that employee's participation in the 1998  
42 Special Plan becomes effective January 1, 2022.

**SUMMARY**

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This bill adds employees employed on October 1, 2021 and hired thereafter who provide direct care to persons in need of mental health services in a community-based or residential setting or to residents or patients of mental health institutions in this State to the 1998 Special Plan for certain Maine Public Employees Retirement System members.