

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1101

S.P. 362

In Senate, March 22, 2021

**An Act To Expand the 1998 Special Retirement Plan To Include
Civilian Employees Who Work for the Department of Public Safety
Crime Lab and Computer Crimes Unit**

Received by the Secretary of the Senate on March 18, 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 Senator DIAMOND of Cumberland.

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. Civilian employees whose job responsibilities include the handling, examination or
24 analysis of digital or physical evidence in the employment of the Department of Public
25 Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1,
26 2021 who elect to participate in the 1998 Special Plan or hired thereafter.

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

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

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

40 B. Has completed at least 25 years of creditable service in any one or a combination
41 of the capacities specified in subsection 1, whether or not the creditable service

1 included in determining that the 25-year requirement has been met was earned under
2 the 1998 Special Plan or prior to its establishment.

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

5 (1) Service credit purchased by repayment of an earlier refund of accumulated
6 contributions following termination of service is included only to the extent that
7 time to which the refund relates was served after June 30, 1998 and before
8 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
9 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
10 after December 31, 1999 for employees identified in subsection 1, paragraphs I to
11 K; ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N
12 to P; and after September 30, 2021 for employees identified in subsection 1,
13 paragraph Q in any one or a combination of the capacities specified in subsection
14 1. Service credit may be purchased for service by an employee identified in
15 subsection 1, paragraphs L and M regardless of when performed; and

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

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

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

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

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

9 B. Except as provided in paragraphs D, E and F, if some part of the member's creditable
10 service in any one or a combination of the capacities specified in subsection 1 was
11 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to
12 H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
13 before January 1, 2002 for employees identified in subsection 1, paragraph L; before
14 July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~ before July 1,
15 2020 for employees identified in subsection 1, paragraphs N to P; and before October
16 1, 2021 for employees identified in subsection 1, paragraph Q and some part of the
17 member's creditable service in any one or a combination of the capacities specified in
18 subsection 1 was earned after June 30, 1998 and before September 1, 2002 for
19 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
20 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
21 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for
22 employees identified in subsection 1, paragraph L; after June 30, 2002 for employees
23 identified in subsection 1, paragraph M; ~~and~~ after June 30, 2020 for employees
24 identified in subsection 1, paragraphs N to P; and after September 30, 2021 for
25 employees identified in subsection 1, paragraph Q, then the member's service
26 retirement benefit must be computed in segments and the amount of the member's
27 service retirement benefit is the sum of the segments. The segments must be computed
28 as follows:

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

1 including, but not limited to, service credit for military service, was achieved
2 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;
3 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
4 before January 1, 2002 for employees identified in subsection 1, paragraph L;
5 before July 1, 2002 for employees identified in subsection 1, paragraph M; ~~and~~
6 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;
7 and before October 1, 2021 for employees identified in subsection 1, paragraph Q,
8 must be computed under section 17852, subsection 1, paragraph A. If the member
9 is qualified under subsection 2, paragraph B and:

10 (a) Had 10 years of creditable service on July 1, 1993, the amount of the
11 segment or segments must be reduced as provided in section 17852, subsection
12 3, paragraphs A and B; or

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

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

- 1 (a) Had 10 years of creditable service on July 1, 1993, the segment amount
2 must be reduced in the manner provided in section 17852, subsection 3,
3 paragraphs A and B for each year that the member's age precedes 55 years of
4 age; or
5 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment
6 amount must be reduced by 6% for each year that the member's age precedes
7 55 years of age.

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

10 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
11 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
12 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
13 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
14 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
15 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M;
16 ~~and~~ after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and
17 after September 30, 2021 for employees identified in subsection 1, paragraph Q, a member
18 in the capacities specified in subsection 1 must contribute to the State Employee and
19 Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of
20 earnable compensation until the member has completed 25 years of creditable service as
21 provided in this section and at the rate of 7.65% thereafter.

22 **Sec. 11. Transition.** If a civilian employee in the employment of the Department of
23 Public Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1,
24 2021 elects to participate in the 1998 Special Plan of the Maine Public Employees
25 Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A,
26 subsection 1, that employee must make that election not later than December 31, 2021 and
27 that employee's participation in the 1998 Special Plan becomes effective January 1, 2022.

28 **SUMMARY**

29 This bill allows civilian employees in the employment of the Department of Public
30 Safety, Maine State Police Crime Laboratory or computer crimes unit whose job
31 responsibilities include the handling, examination or analysis of digital or physical
32 evidence to elect to participate in the 1998 Special Plan of the Maine Public Employees
33 Retirement System. Under that plan, a person may retire at 55 years of age with 10 years
34 of creditable service or may retire before 55 years of age with 25 years of creditable service
35 and at a reduced benefit.