

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1103

S.P. 364

In Senate, March 22, 2021

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**An Act To Allow a 5-year Open Enrollment in the Participating  
Local District Retirement Program for Certain Law Enforcement  
Officers, Firefighters and Other Municipal Employees**

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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 BAILEY of York.  
Cosponsored by Representative SYLVESTER of Portland and  
Senators: BALDACCI of Penobscot, CLAXTON of Androscoggin, CURRY of Waldo,  
MAXMIN of Lincoln, RAFFERTY of York, Representative: GRAMLICH of Old Orchard  
Beach.

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

2 **Sec. 1. 5 MRSA §18251, sub-§3**, as amended by PL 2013, c. 555, §1, is further  
3 amended by amending the first blocked paragraph to read:

4 ~~A Except as provided in section 18252-C, a person must make an election at the time of~~  
5 ~~initial hire, or on the date of first eligibility to participate, whichever occurs earlier, whether~~  
6 ~~to be a member of the program. Once an election is made under this subsection, the election~~  
7 ~~is irrevocable with respect to all subsequent employment with the same employer when~~  
8 ~~membership in the program is not mandatory.~~

9 **Sec. 2. 5 MRSA §18252, first ¶**, as amended by PL 2011, c. 449, §14, is further  
10 amended to read:

11 A person who is or would be covered by the United States Social Security Act as a  
12 result of employment by a participating local district with Social Security coverage may  
13 elect to be a member in the Participating Local District Retirement Program. ~~A Except as~~  
14 ~~provided by section 18252-C, a person must make an election at the time of initial hire or~~  
15 ~~on the date of first eligibility to participate, whichever occurs earlier, whether to be a~~  
16 ~~member of the program. Once an election is made under this section, the election is~~  
17 ~~irrevocable with respect to all subsequent employment with the same employer when~~  
18 ~~membership in the program is not mandatory.~~

19 **Sec. 3. 5 MRSA §18252-A, sub-§1, ¶A**, as amended by PL 2011, c. 449, §15, is  
20 further amended to read:

21 A. ~~A Except as provided by section 18252-C, a person hired by a participating local~~  
22 ~~district, or rehired following a break in service, after the date on which the employer~~  
23 ~~provides a plan under section 18252-B must elect at the time of initial hiring or rehiring~~  
24 ~~whether to be a member under the Participating Local District Retirement Program or~~  
25 ~~to be covered under a plan provided by the employer under section 18252-B. Once an~~  
26 ~~election is made under this paragraph, the election is irrevocable with respect to all~~  
27 ~~subsequent employment with the same employer when membership in the program is~~  
28 ~~not mandatory.~~

29 **Sec. 4. 5 MRSA §18252-A, sub-§1, ¶B**, as amended by PL 2009, c. 474, §33, is  
30 further amended to read:

31 B. An employee of the participating local district who is a member under the  
32 Participating Local District Retirement Program on the date on which the employer  
33 provides a plan under section 18252-B may elect to remain a member under that  
34 program or to become covered under a plan provided by the employer under section  
35 18252-B. ~~A Except as provided by section 18252-C, a person must make an election~~  
36 ~~within 90 days of the date on which the employer provides a plan under section~~  
37 ~~18252-B. Once an election is made under this paragraph, the election is irrevocable~~  
38 ~~with respect to all subsequent employment with the same employer when membership~~  
39 ~~in the program is not mandatory.~~

40 (1) If that person elects not to remain a member, the election is effective as of the  
41 first day of the month in which no contributions or pick-up contributions are made  
42 to the Participating Local District Retirement Program by that person. A person

1 who elects not to remain a member may, at that person's discretion, withdraw  
2 accumulated contributions in accordance with section 18306-A.

3 **Sec. 5. 5 MRSA §18252-C** is enacted to read:

4 **§18252-C. Delayed election of membership; annual open enrollment**

5 Employees who were eligible to participate in the Participating Local District  
6 Retirement Program under section 18251, subsection 3, section 18252 and section  
7 18252-A, subsection 1 at the beginning of employment but did not join may do so as  
8 governed by this section.

9 **1. Delayed election of membership.** An employee who was first eligible to  
10 participate in the Participating Local District Retirement Program who elects not to join the  
11 Participating Local District Retirement Program at the beginning of that employee's  
12 employment may become a member at any time up to and including that employee's  
13 5th-year employment anniversary with that employer pursuant to subsection 2.

14 **2. Annual open enrollment period.** An employee under this section may elect to join  
15 the Participating Local District Retirement Program through an annual open enrollment  
16 period from September 1st to November 1st, beginning in 2022.

17 **3. Creditable service granted.** An employee who elects to join the Participating  
18 Local District Retirement Program under this section is entitled to creditable service as  
19 governed by section 18358.

20 **4. Member contributions.** Member contributions for an employee that joins the  
21 Participating Local District Retirement Program under this section are governed by section  
22 18301, unless otherwise specified in subchapter 3.

23 **5. Rules.** The board may adopt rules to implement this section. Rules adopted pursuant  
24 to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

25 **Sec. 6. Application.** Notwithstanding the Maine Revised Statutes, Title 5, section  
26 18252-C, subsection 1, an employee who has been employed for more than 5 years on the  
27 effective date of this Act may make a one-time election to join the Participating Local  
28 District Retirement Program by November 1, 2021. A person electing to join must be  
29 granted service as described in Title 5, section 18252-C, subsection 3 and must make  
30 contributions according to Title 5, section 18252-C, subsection 4.

31 **SUMMARY**

32 This bill allows employees in a participating local district to enroll in the Participating  
33 Local District Retirement Program up to and including that employee's 5th-year  
34 employment anniversary through an annual open enrollment. It also provides a one-time  
35 election for participating local district employees whose 5-year work anniversary has  
36 passed to join the Participating Local District Retirement Program.