

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1746

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S.P. 601

In Senate, December 2, 2021

**An Act To Expand the 1998 Special Retirement Plan To Include  
Employees Who Work for the Office of Chief Medical Examiner**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on November 30, 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 HICKMAN of Kennebec.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** during the First Regular Session of the 130th Legislature, Public Law 2021,  
4 chapter 474 expanded the 1998 Special Retirement Plan to include civilian employees who  
5 work for the Department of Public Safety, Maine State Police Crime Laboratory or  
6 computer crimes unit; and

7           **Whereas,** employees of the Office of Chief Medical Examiner within the Department  
8 of the Attorney General were inadvertently omitted from inclusion in Public Law 2021,  
9 chapter 474; and

10          **Whereas,** employees of the Office of Chief Medical Examiner are responsible for  
11 working with the bodies of victims of sudden, unexpected and violent deaths, talking with  
12 and supporting the grieving families of the victims and collecting reports of all missing  
13 people in Maine; and

14          **Whereas,** given the recent uptick in overdose deaths and child deaths in the State, the  
15 employees of the Office of Chief Medical Examiner are faced with bleak outcomes each  
16 day; and

17          **Whereas,** these employees deserve to be included in the 1998 Special Retirement Plan  
18 in recognition of their dedication and hard work and so that they are compensated similarly  
19 to their counterparts; and

20          **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
21 the meaning of the Constitution of Maine and require the following legislation as  
22 immediately necessary for the preservation of the public peace, health and safety; now,  
23 therefore,

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

25       **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶P,** as amended by PL 2021, c. 474, §4, is  
26 further amended to read:

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

29       **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶Q,** as enacted by PL 2021, c. 474, §5, is  
30 amended to read:

31           Q. Civilian employees whose job responsibilities include the handling, examination or  
32 analysis of digital or physical evidence in the employment of the Department of Public  
33 Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1,  
34 2021 who elect to participate in the 1998 Special Plan or hired thereafter; and

35       **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶R** is enacted to read:

36           R. Employees of the Office of Chief Medical Examiner within the Department of the  
37 Attorney General on July 1, 2022 who elect to participate in the 1998 Special Plan or  
38 hired thereafter.

39       **Sec. 4. 5 MRSA §17851-A, sub-§2,** as amended by PL 2021, c. 474, §6, is further  
40 amended to read:

1           **2. Qualification for benefits.** A member employed in any one or a combination of  
2 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
3 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
4 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
5 employees identified in subsection 1, paragraphs I to K; any employee identified in  
6 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,  
7 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,  
8 paragraph Q; after June 30, 2022 for employees identified in subsection 1, paragraph R;  
9 and any employee identified in subsection 1, paragraph L, qualifies for a service retirement  
10 benefit if that member either:

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

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

17           **Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A,** as amended by PL 2021, c. 474, §7, is  
18 further amended by amending subparagraph (1) to read:

19           (1) Service credit purchased by repayment of an earlier refund of accumulated  
20 contributions following termination of service is included only to the extent that  
21 time to which the refund relates was served after June 30, 1998 and before  
22 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
23 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
24 after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
25 K; 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; and after June 30, 2022 for employees identified in subsection 1, paragraph R  
28 in any one or a combination of the capacities specified in subsection 1. Service  
29 credit may be purchased for service by an employee identified in subsection 1,  
30 paragraphs L and M regardless of when performed; and

31           **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A,** as amended by PL 2021, c. 474, §8, is  
32 further amended to read:

33           A. If all of the member's creditable service in any one or a combination of the  
34 capacities specified in subsection 1 was earned after June 30, 1998 and before  
35 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
36 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
37 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
38 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
39 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
40 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
41 2021 for employees identified in subsection 1, paragraph Q; and after June 30, 2022  
42 for employees identified in subsection 1, paragraph R; if service credit was purchased  
43 by repayment of an earlier refund of accumulated contributions for service in any one  
44 or a combination of the capacities specified in subsection 1 after June 30, 1998 and  
45 before September 1, 2002 for employees identified in subsection 1, paragraphs A and

1 B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
2 after December 31, 1999 for employees identified in subsection 1, paragraphs I to K;  
3 after December 31, 2001 for employees identified in subsection 1, paragraph L; after  
4 June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30,  
5 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September  
6 30, 2021 for employees identified in subsection 1, paragraph Q; and after June 30, 2022  
7 for employees identified in subsection 1, paragraph R; or if service credit was  
8 purchased by other than the repayment of an earlier refund and eligibility to make the  
9 purchase of the service credit, including, but not limited to, service credit for military  
10 service, was achieved after June 30, 1998 and before September 1, 2002 for employees  
11 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees  
12 identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
13 identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees  
14 identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
15 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection  
16 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in  
17 subsection 1, paragraph Q; and after June 30, 2022 for employees identified in  
18 subsection 1, paragraph R, the benefit must be computed as provided in section 17852,  
19 subsection 1, paragraph A.

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

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

26 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2021, c. 474, §9, is  
27 further amended to read:

28 B. Except as provided in paragraphs D, E and F, if some part of the member's creditable  
29 service in any one or a combination of the capacities specified in subsection 1 was  
30 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to  
31 H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;  
32 before January 1, 2002 for employees identified in subsection 1, paragraph L; before  
33 July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020  
34 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October 1, 2021  
35 for employees identified in subsection 1, paragraph Q; and before July 1, 2022 for  
36 employees identified in subsection 1, paragraph R and some part of the member's  
37 creditable service in any one or a combination of the capacities specified in subsection  
38 1 was earned after June 30, 1998 and before September 1, 2002 for employees  
39 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees  
40 identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
41 identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees  
42 identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
43 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection  
44 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in  
45 subsection 1, paragraph Q; and after June 30, 2022 for employees identified in  
46 subsection 1, paragraph R, then the member's service retirement benefit must be

1 computed in segments and the amount of the member's service retirement benefit is the  
2 sum of the segments. The segments must be computed as follows:

3 (1) The segment or, if the member served in more than one of the capacities  
4 specified in subsection 1 and the benefits related to the capacities are not  
5 interchangeable under section 17856, segments that reflect creditable service  
6 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
7 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
8 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
9 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
10 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
11 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
12 and before July 1, 2022 for employees identified in subsection 1, paragraph R or  
13 purchased by repayment of an earlier refund of accumulated contributions for  
14 service before July 1, 1998, for employees identified in subsection 1, paragraphs  
15 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
16 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
17 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
18 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
19 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
20 and before July 1, 2022 for employees identified in subsection 1, paragraph R in a  
21 capacity or capacities specified in subsection 1 or purchased by other than the  
22 repayment of a refund and eligibility to make the purchase of the service credit,  
23 including, but not limited to, service credit for military service, was achieved  
24 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;  
25 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;  
26 before January 1, 2002 for employees identified in subsection 1, paragraph L;  
27 before July 1, 2002 for employees identified in subsection 1, paragraph M; before  
28 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before  
29 October 1, 2021 for employees identified in subsection 1, paragraph Q; and before  
30 July 1, 2022 for employees identified in subsection 1, paragraph R, must be  
31 computed under section 17852, subsection 1, paragraph A. If the member is  
32 qualified under subsection 2, paragraph B and:

33 (a) Had 10 years of creditable service on July 1, 1993, the amount of the  
34 segment or segments must be reduced as provided in section 17852, subsection  
35 3, paragraphs A and B; or

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

39 (2) The segment that reflects creditable service earned after June 30, 1998 and  
40 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
41 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
42 to H; after December 31, 1999 for employees identified in subsection 1, paragraphs  
43 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph  
44 L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after  
45 June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
46 after September 30, 2021 for employees identified in subsection 1, paragraph Q;

1 and after June 30, 2022 for employees identified in subsection 1, paragraph R or  
2 purchased by repayment of an earlier refund of accumulated contributions for  
3 service after June 30, 1998 and before September 1, 2002 for employees identified  
4 in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified  
5 in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
6 identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
7 employees identified in subsection 1, paragraph L; after June 30, 2002 for  
8 employees identified in subsection 1, paragraph M; after June 30, 2020 for  
9 employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
10 2021 for employees identified in subsection 1, paragraph Q; and after June 30,  
11 2022 for employees identified in subsection 1, paragraph R in any one or a  
12 combination of the capacities specified in subsection 1, or purchased by other than  
13 the repayment of a refund and eligibility to make the purchase of the service credit,  
14 including, but not limited to, service credit for military service, was achieved after  
15 June 30, 1998 and before September 1, 2002 for employees identified in subsection  
16 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection  
17 1, paragraphs C to H; after December 31, 1999 for employees identified in  
18 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified  
19 in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
20 subsection 1, paragraph M; after June 30, 2020 for employees identified in  
21 subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
22 identified in subsection 1, paragraph Q; and after June 30, 2022 for employees  
23 identified in subsection 1, paragraph R must be computed under section 17852,  
24 subsection 1, paragraph A. If the member is qualified under subsection 2,  
25 paragraph B and:

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

30 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment  
31 amount must be reduced by 6% for each year that the member's age precedes  
32 55 years of age.

33 **Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 2021, c. 474, §10, is further  
34 amended to read:

35 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June  
36 30, 1998 and before September 1, 2002 for employees identified in subsection 1,  
37 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
38 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
39 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
40 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M;  
41 after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after  
42 September 30, 2021 for employees identified in subsection 1, paragraph Q; and after June  
43 30, 2022 for employees identified in subsection 1, paragraph R, a member in the capacities  
44 specified in subsection 1 must contribute to the State Employee and Teacher Retirement  
45 Program or have pick-up contributions made at the rate of 8.65% of earnable compensation

1 until the member has completed 25 years of creditable service as provided in this section  
2 and at the rate of 7.65% thereafter.

3 **Sec. 9. Transition.** If an employee in the employment of the Office of Chief Medical  
4 Examiner within the Department of the Attorney General on July 1, 2022 elects to  
5 participate in the 1998 Special Plan of the Maine Public Employees Retirement System, as  
6 provided in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, that  
7 employee must make that election not later than September 30, 2022 and that employee's  
8 participation in the 1998 Special Plan becomes effective October 1, 2022.

9 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
10 takes effect when approved.

11 **SUMMARY**

12 This bill allows employees in the employment of the Office of Chief Medical Examiner  
13 within the Department of the Attorney General to elect to participate in the 1998 Special  
14 Retirement Plan of the Maine Public Employees Retirement System. Under that plan, a  
15 person may retire at a reduced benefit at 55 years of age with 10 years of creditable service  
16 or before 55 years of age with 25 years of creditable service.