

# 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)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Date: 4/11/22

(Filing No. S-534)

**LABOR AND HOUSING**

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

**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 635, L.D. 1808, "An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

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

Q. ~~Civilian~~ Until July 31, 2022, civilian employees whose job responsibilities include the handling, examination or analysis of digital or physical evidence in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1, 2021 ~~who elect to participate in the 1998 Special Plan~~ or hired thereafter.

Sec. 2. 5 MRSA §17851-C is enacted to read:

**§17851-C. Special plan for civilian employees in Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit**

**1. Establishment and applicability.** Effective August 1, 2022, there is established a special retirement plan for civilian employees in the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit, referred to in this section as "the special plan." The special plan applies to civilian employees whose job responsibilities include the handling, examination or analysis of digital or physical evidence in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit.

**2. Qualification for benefits.** A member employed in any of the positions specified in subsection 1 qualifies for a service retirement benefit after completing 25 years of creditable service in that capacity, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the special plan established in this section or prior to its establishment.

1 **3. Purchase of service credit to be used for qualification for benefits.** This  
 2 subsection governs the use of purchased service credit in order to qualify for benefits under  
 3 this section. For the purpose of meeting the qualification requirement of subsection 2:

4 A. Service credit purchased by repayment of an earlier refund of accumulated  
 5 contributions following termination of service is included if the time to which the  
 6 refund relates was served in any one or a combination of the positions specified in  
 7 subsection 1, regardless of whether the time was served before or after the  
 8 establishment of the special plan;

9 B. Service credit purchased under section 17760 is considered service under the special  
 10 plan; and

11 C. Service credit purchased other than as provided under paragraphs A and B is not  
 12 included.

13 **4. Computation of benefits.** The amount of the service retirement benefit for  
 14 members qualified under subsection 2 is 1/2 of the person's average final compensation and  
 15 an additional 2% of the person's average final compensation for each year of membership  
 16 service not included in determining qualification under subsection 2.

17 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after July 31,  
 18 2022, a member in a position specified in subsection 1 shall contribute to the State  
 19 Employee and Teacher Retirement Program or have pick-up contributions made at the rate  
 20 of 8.65% of earnable compensation until the member has completed 25 years of creditable  
 21 service as provided in this section and at the rate of 7.65% thereafter.

22 **Sec. 3. Appropriations and allocations.** The following appropriations and  
 23 allocations are made.

24 **PUBLIC SAFETY, DEPARTMENT OF**

25 **Computer Crimes 0048**

26 Initiative: Provides funds for the prospective costs for civilian employees employed in the  
 27 Maine State Police Crime Laboratory or computer crimes unit within the Department of  
 28 Public Safety to retire after 25 years of service regardless of age.

29	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
30	Personal Services	\$0	\$6,990
31			
32	GENERAL FUND TOTAL	\$0	\$6,990

33 **State Police 0291**

34 Initiative: Allocates funds for the prospective costs for civilian employees employed in the  
 35 Maine State Police Crime Laboratory or computer crimes unit within the Department of  
 36 Public Safety to retire after 25 years of service regardless of age.

37	<b>HIGHWAY FUND</b>	<b>2021-22</b>	<b>2022-23</b>
38	Personal Services	\$0	\$8,700
39			
40	HIGHWAY FUND TOTAL	\$0	\$8,700

41 **State Police 0291**

COMMITTEE AMENDMENT "A" to S.P. 635, L.D. 1808 (5536)

1 Initiative: Provides funds for the prospective costs for civilian employees employed in the  
 2 Maine State Police Crime Laboratory or computer crimes unit within the Department of  
 3 Public Safety to retire after 25 years of service regardless of age.

4	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
5	Personal Services	\$0	\$16,156
6			
7	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$16,156</u>

9	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
10	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
11			
12	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$23,146</b>
13	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$8,700</b>
14			
15	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$31,846</b></u>

16 **RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

17 **Retirement System - Retirement Allowance Fund 0085**

18 Initiative: Provides one-time funds for the increase in the unfunded actuarial liability as a  
 19 result of allowing service retirement benefits earned by civilian employees employed in the  
 20 Maine State Police Crime Laboratory or computer crimes unit within the Department of  
 21 Public Safety earned under the regular state employee and teacher plan to be calculated  
 22 under a plan that allows for retirement after 25 years of service regardless of age effective  
 23 August 1, 2022.

24	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
25	All Other	\$0	\$1,592,873
26			
27	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$1,592,873</u>

29	<b>RETIREMENT SYSTEM, MAINE PUBLIC</b>		
30	<b>EMPLOYEES</b>		
31	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
32			
33	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$1,592,873</b>
34			
35	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$1,592,873</b></u>

37	<b>SECTION TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
38			
39	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$1,616,019</b>
40	<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$8,700</b>
41			
42	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>\$0</b></u>	<u><b>\$1,624,719</b></u>

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

3 **SUMMARY**

4 This amendment replaces the bill. The amendment establishes a new special retirement  
5 plan for certain civilian employees in the Department of Public Safety, Maine State Police  
6 Crime Laboratory or computer crimes unit that allows those employees to retire after 25  
7 years of service regardless of age.

8 The amendment adds an appropriations and allocations section.

9 **FISCAL NOTE REQUIRED**

10 (See attached)



# 130th MAINE LEGISLATURE

LD 1808

LR 2288(02)

## An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-536)  
 Committee: Labor and Housing  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$1,616,019	\$23,887	\$24,652
Highway Fund	\$0	\$8,700	\$8,978	\$9,266
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$1,616,019	\$23,887	\$24,652
Highway Fund	\$0	\$8,700	\$8,978	\$9,266

### Fiscal Detail and Notes

Public Law 2021, chapter 474 (LD 1101), enacted on July 15, 2021, provided civilian employees of the Maine State Police Crime Laboratory or computer crimes unit within the Department of Public Safety on or after October 1, 2021 the option to participate in the 1998 Special Plan on a prospective basis if the employees elected to participate by December 31, 2021. Based on an analysis performed by MainePERS, the fiscal note for LD 1101 had assumed that 21 of the estimated 32 eligible civilian employees would choose to participate in the 1998 Special Plan and funding was included in that enacted bill for the estimated increase in employer contributions for those employees.

This bill requires that, effective August 1, 2022, the retrospective service retirement benefits for civilian employees of the Maine State Police Crime Laboratory or computer crimes unit earned under the regular state employee and teacher plan be calculated under a plan that allows for retirement after 25 years of service regardless of age. The bill includes a one-time General Fund appropriation of \$1,592,873 in fiscal year 2022-23 to the Retirement System - Retirement Allowance Fund within the Maine Public Employees Retirement System for the cost of the unfunded actuarial liability created by allowing that provision.

Also, as it is now assumed that service retirement benefits for all eligible civilian employees will be calculated under a plan that allows for retirement after 25 years of service regardless of age, this bill includes General Fund appropriations of \$23,146 and Highway Fund allocations of \$8,700 in fiscal year 2022-23 to the Department of Public Safety for the prospective costs of increased employer contributions for the 11 civilian employees not included in the funding provided in LD 1101.