

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 610

H.P. 387

House of Representatives, February 14, 2023

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

Reference to the Committee on Labor and Housing suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.
Cosponsored by Senator HICKMAN of Kennebec.

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

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

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

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

8 Q. Civilian employees whose job responsibilities include the handling, examination or
9 analysis of digital or physical evidence in the employment of the Department of Public
10 Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1,
11 2021 who elect to participate in the 1998 Special Plan or hired thereafter; and

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

13 R. Employees of the Office of Chief Medical Examiner within the Department of the
14 Attorney General on July 1, 2022 or hired thereafter.

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

17 **2. Qualification for benefits.** A member employed in any one or a combination of
18 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002
19 for 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; any employee identified in
22 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,
23 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,
24 paragraph Q; any employee identified in subsection 1, paragraph R; and any employee
25 identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that
26 member either:

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

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

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

35 (1) Service credit purchased by repayment of an earlier refund of accumulated
36 contributions following termination of service is included only to the extent that
37 time to which the refund relates was served after June 30, 1998 and before
38 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
39 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
40 after December 31, 1999 for employees identified in subsection 1, paragraphs I to
41 K; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P;
42 and after September 30, 2021 for employees identified in subsection 1, paragraph

1 Q in any one or a combination of the capacities specified in subsection 1. Service
2 credit may be purchased for service by an employee identified in subsection 1,
3 paragraphs L ~~and~~ M and R regardless of when performed; and

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

6 A. If all of the member's creditable service in any one or a combination of the
7 capacities specified in subsection 1 was earned after June 30, 1998 and before
8 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after
9 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
10 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
11 December 31, 2001 for employees identified in subsection 1, paragraph L; after June
12 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020
13 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,
14 2021 for employees identified in subsection 1, paragraph Q; and after June 30, 2022
15 for employees identified in subsection 1, paragraph R; if service credit was purchased
16 by repayment of an earlier refund of accumulated contributions for service in any one
17 or a combination of the capacities specified in subsection 1 after June 30, 1998 and
18 before September 1, 2002 for employees identified in subsection 1, paragraphs A and
19 B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
20 after December 31, 1999 for employees identified in subsection 1, paragraphs I to K;
21 after December 31, 2001 for employees identified in subsection 1, paragraph L; after
22 June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30,
23 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September
24 30, 2021 for employees identified in subsection 1, paragraph Q; and after June 30, 2022
25 for employees identified in subsection 1, paragraph R; or if service credit was
26 purchased by other than the repayment of an earlier refund and eligibility to make the
27 purchase of the service credit, including, but not limited to, service credit for military
28 service, was achieved after June 30, 1998 and before September 1, 2002 for employees
29 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees
30 identified 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 employees
32 identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in
33 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection
34 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in
35 subsection 1, paragraph Q; and after June 30, 2022 for employees identified in
36 subsection 1, paragraph R, the benefit must be computed as provided in section 17852,
37 subsection 1, paragraph A.

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

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

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

1 B. Except as provided in paragraphs D, E ~~and~~, F ~~and~~ G, if some part of the member's
2 creditable service in any one or a combination of the capacities specified in subsection
3 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs
4 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I
5 to K; before January 1, 2002 for employees identified in subsection 1, paragraph L;
6 before July 1, 2002 for employees identified in subsection 1, paragraph M; before July
7 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October
8 1, 2021 for employees identified in subsection 1, paragraph Q; and before July 1, 2022
9 for employees identified in subsection 1, paragraph R and some part of the member's
10 creditable service in any one or a combination of the capacities specified in subsection
11 1 was earned after June 30, 1998 and before September 1, 2002 for employees
12 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees
13 identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees
14 identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees
15 identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in
16 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection
17 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees identified in
18 subsection 1, paragraph Q; and after June 30, 2022 for employees identified in
19 subsection 1, paragraph R, then the member's service retirement benefit must be
20 computed in segments and the amount of the member's service retirement benefit is the
21 sum of the segments. The segments must be computed as follows:

22 (1) The segment or, if the member served in more than one of the capacities
23 specified in subsection 1 and the benefits related to the capacities are not
24 interchangeable under section 17856, segments that reflect creditable service
25 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A
26 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs
27 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph
28 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;
29 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;
30 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;
31 and before July 1, 2022 for employees identified in subsection 1, paragraph R or
32 purchased by repayment of an earlier refund of accumulated contributions for
33 service before July 1, 1998, for employees identified in subsection 1, paragraphs
34 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs
35 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph
36 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;
37 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;
38 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;
39 and before July 1, 2022 for employees identified in subsection 1, paragraph R in a
40 capacity or capacities specified in subsection 1 or purchased by other than the
41 repayment of a refund and eligibility to make the purchase of the service credit,
42 including, but not limited to, service credit for military service, was achieved
43 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;
44 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
45 before January 1, 2002 for employees identified in subsection 1, paragraph L;
46 before July 1, 2002 for employees identified in subsection 1, paragraph M; before
47 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before

1 October 1, 2021 for employees identified in subsection 1, paragraph Q; and before
2 July 1, 2022 for employees identified in subsection 1, paragraph R, must be
3 computed under section 17852, subsection 1, paragraph A. If the member is
4 qualified under subsection 2, paragraph B and:

5 (a) Had 10 years of creditable service on July 1, 1993, the amount of the
6 segment or segments must be reduced as provided in section 17852, subsection
7 3, paragraphs A and B; or

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

11 (2) The segment that reflects creditable service earned after June 30, 1998 and
12 before September 1, 2002 for employees identified in subsection 1, paragraphs A
13 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C
14 to H; after December 31, 1999 for employees identified in subsection 1, paragraphs
15 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph
16 L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after
17 June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~
18 after September 30, 2021 for employees identified in subsection 1, paragraph Q; and
19 and after June 30, 2022 for employees identified in subsection 1, paragraph R or
20 purchased by repayment of an earlier refund of accumulated contributions for
21 service after June 30, 1998 and before September 1, 2002 for employees identified
22 in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified
23 in subsection 1, paragraphs C to H; after December 31, 1999 for employees
24 identified in subsection 1, paragraphs I to K; after December 31, 2001 for
25 employees identified in subsection 1, paragraph L; after June 30, 2002 for
26 employees identified in subsection 1, paragraph M; after June 30, 2020 for
27 employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,
28 2021 for employees identified in subsection 1, paragraph Q; and after June 30,
29 2022 for employees identified in subsection 1, paragraph R in any one or a
30 combination of the capacities specified in subsection 1, or purchased by other than
31 the repayment of a refund and eligibility to make the purchase of the service credit,
32 including, but not limited to, service credit for military service, was achieved after
33 June 30, 1998 and before September 1, 2002 for employees identified in subsection
34 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection
35 1, paragraphs C to H; after December 31, 1999 for employees identified in
36 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified
37 in subsection 1, paragraph L; after June 30, 2002 for employees identified in
38 subsection 1, paragraph M; after June 30, 2020 for employees identified in
39 subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees
40 identified in subsection 1, paragraph Q; and after June 30, 2022 for employees
41 identified in subsection 1, paragraph R must be computed under section 17852,
42 subsection 1, paragraph A. If the member is qualified under subsection 2,
43 paragraph B and:

44 (a) Had 10 years of creditable service on July 1, 1993, the segment amount
45 must be reduced in the manner provided in section 17852, subsection 3,

1 paragraphs A and B for each year that the member's age precedes 55 years of
2 age; or

3 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment
4 amount must be reduced by 6% for each year that the member's age precedes
5 55 years of age.

6 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶G** is enacted to read:

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

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

16 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,
17 the benefit must be reduced by 6% for each year that the member's age precedes
18 55 years of age.

19 **Sec. 9. 5 MRSA §17851-A, sub-§5**, as amended by PL 2021, c. 474, §10, is further
20 amended to read:

21 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
22 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
23 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,
24 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,
25 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
26 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M;
27 after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after
28 September 30, 2021 for employees identified in subsection 1, paragraph Q; and after June
29 30, 2022 for employees identified in subsection 1, paragraph R, a member in the capacities
30 specified in subsection 1 must contribute to the State Employee and Teacher Retirement
31 Program or have pick-up contributions made at the rate of 8.65% of earnable compensation
32 until the member has completed 25 years of creditable service as provided in this section
33 and at the rate of 7.65% thereafter.

34 **SUMMARY**

35 This bill provides that the 1998 Special Retirement Plan of the Maine Public
36 Employees Retirement System applies to employees in the employment of the Office of
37 Chief Medical Examiner within the Department of the Attorney General. It also provides
38 that the service retirement benefit for an employee in the office must be computed on the
39 basis of all of the member's creditable service, regardless of when that service was earned.