

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1424

H.P. 920

House of Representatives, March 30, 2023

**An Act to Remove the Age Requirement for Correctional Staff
Retirement Under the 1998 Special Plan**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Representatives: GERE of Kennebunkport, PRINGLE of Windham,
SALISBURY of Westbrook, WARREN of Scarborough, Senators: BEEBE-CENTER of Knox,
POULIOT of Kennebec, TIPPING of Penobscot.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶E**, as amended by PL 1999, c. 493, §4, is
3 further amended to read:

4 E. Maine State Prison employees to whom section 17851, subsection 11, paragraph B
5 applies and who were employed after August 31, 1984 and before January 1, 2000,
6 other than those employees described in paragraph I, subparagraph (2);

7 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶I**, as amended by PL 2005, c. 519, Pt. FF,
8 §1, is repealed and the following enacted in its place:

9 I. Employees of the Department of Corrections or the Department of Administrative
10 and Financial Services who:

11 (1) Were employed on or after January 1, 2000 and who are employed in a
12 correctional facility, as defined in Title 34-A, section 1001. Those employees of
13 the Department of Corrections on January 3, 2006 whose positions were
14 transferred to the Department of Administrative and Financial Services remain
15 eligible for the 1998 Special Plan under this subparagraph as long as they are
16 assigned to work in a correctional facility, as defined in Title 34-A, section 1001;
17 or

18 (2) Regardless of when employed, are employees whose duties involve contact
19 with prisoners, probationers, parolees or juvenile offenders or any person
20 employed as the supervisor of those employees. Those employees of the
21 Department of Corrections on January 3, 2006 whose positions were transferred to
22 the Department of Administrative and Financial Services remain eligible for the
23 1998 Special Plan under this subparagraph as long as their duties involve contact
24 with prisoners, probationers, parolees or juvenile offenders. An employee of the
25 Department of Administrative and Financial Services hired after January 3, 2006
26 to replace an employee whose position was transferred and who remained eligible
27 for the 1998 Special Plan is also eligible for the plan as long as that employee is
28 assigned to work in a correctional facility, as defined in Title 34-A, section 1001,
29 and that employee's duties involve contact with prisoners, probationers, parolees
30 or juvenile offenders;

31 **Sec. 3. 5 MRSA §17851-A, sub-§2**, as amended by PL 2021, c. 474, §6, is further
32 amended to read:

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

- 1 A. Is at least 55 years of age and has completed at least 10 years of creditable service
2 under the 1998 Special Plan in any one or a combination of the capacities; ~~or~~
- 3 B. Has completed at least 25 years of creditable service in any one or a combination
4 of the capacities specified in subsection 1, whether or not the creditable service
5 included in determining that the 25-year requirement has been met was earned under
6 the 1998 Special Plan or prior to its establishment; or
- 7 C. Is an employee identified in subsection 1, paragraph I, subparagraph (2) and has
8 completed at least 25 years of creditable service in any capacity specified in subsection
9 1, paragraph I, subparagraph (2), whether or not the creditable service included in
10 determining that the 25-year requirement has been met was earned under the 1998
11 Special Plan or prior to its establishment.

12 SUMMARY

13 Under current law, an employee of the Department of Corrections or the Department
14 of Administrative and Financial Services who was employed on or after January 1, 2000
15 and whose duties involve contact with prisoners, probationers, parolees or juvenile
16 offenders or supervising such an employee qualifies for the 1998 Special Plan and may
17 receive a service retirement benefit after completing 25 years of service.

18 This bill removes the qualification that these employees must have been employed on
19 or after January 1, 2000 so any employee whose duties involve contact with prisoners,
20 probationers, parolees or juvenile offenders or supervising such an employee qualifies for
21 the 1998 Special Plan and may receive a service retirement benefit after completing at least
22 25 years of service.