

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1760

S.P. 707

In Senate, April 24, 2023

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**An Act to Include Certain Crisis Outreach and Crisis Services  
Workers Under the 1998 Special Plan for Retirement**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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 Department of Health and Human Services on October 1, 2023  
14 or hired thereafter who have responsibility for providing crisis outreach and crisis  
15 services to adults with developmental disabilities or intellectual disabilities in a  
16 community-based or residential setting, except for an institutional setting.

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

19 **2. Qualification for benefits.** A member employed in any one or a combination of  
20 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
21 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
22 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
23 employees identified in subsection 1, paragraphs I to K; any employee identified in  
24 subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1,  
25 paragraphs N to P; after September 30, 2021 for employees identified in subsection 1,  
26 paragraph Q; after September 30, 2023 for employees identified in subsection 1, paragraph  
27 R; and any employee identified in subsection 1, paragraph L, qualifies for a service  
28 retirement benefit if that member either:

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

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

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

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

1 K; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P;  
2 and after September 30, 2021 for employees identified in subsection 1, paragraph  
3 Q in any one or a combination of the capacities specified in subsection 1. Service  
4 credit may be purchased for service by an employee identified in subsection 1,  
5 paragraphs L ~~and~~ M and R regardless of when performed; and

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

8 A. If all of the member's creditable service in any one or a combination of the  
9 capacities specified in subsection 1 was earned after June 30, 1998 and before  
10 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
11 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
12 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
13 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
14 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
15 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
16 2021 for employees identified in subsection 1, paragraph Q; and after September 30,  
17 2023 for employees identified in subsection 1, paragraph R; if service credit was  
18 purchased by repayment of an earlier refund of accumulated contributions for service  
19 in any one or a combination of the capacities specified in subsection 1 after June 30,  
20 1998 and before September 1, 2002 for employees identified in subsection 1,  
21 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
22 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
23 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
24 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph  
25 M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
26 after September 30, 2021 for employees identified in subsection 1, paragraph Q; and  
27 after September 30, 2023 for employees identified in subsection 1, paragraph R; or if  
28 service credit was purchased by other than the repayment of an earlier refund and  
29 eligibility to make the purchase of the service credit, including, but not limited to,  
30 service credit for military service, was achieved after June 30, 1998 and before  
31 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after  
32 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
33 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
34 December 31, 2001 for employees identified in subsection 1, paragraph L; after June  
35 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020  
36 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
37 2021 for employees identified in subsection 1, paragraph Q; and after September 30,  
38 2023 for employees identified in subsection 1, paragraph R, the benefit must be  
39 computed as provided in section 17852, subsection 1, paragraph A.

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

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

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

3           B. Except as provided in paragraphs D, E ~~and~~, F and G, if some part of the member's  
4 creditable service in any one or a combination of the capacities specified in subsection  
5 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs  
6 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
7 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L;  
8 before July 1, 2002 for employees identified in subsection 1, paragraph M; before July  
9 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before October  
10 1, 2021 for employees identified in subsection 1, paragraph Q; and before October 1,  
11 2023 for employees identified in subsection 1, paragraph R and some part of the  
12 member's creditable service in any one or a combination of the capacities specified in  
13 subsection 1 was earned after June 30, 1998 and before September 1, 2002 for  
14 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
15 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
16 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
17 employees identified in subsection 1, paragraph L; after June 30, 2002 for employees  
18 identified in subsection 1, paragraph M; after June 30, 2020 for employees identified  
19 in subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
20 identified in subsection 1, paragraph Q; and after September 30, 2023 for employees  
21 identified in subsection 1, paragraph R, then the member's service retirement benefit  
22 must be computed in segments and the amount of the member's service retirement  
23 benefit is the sum of the segments. The segments must be computed as follows:

24           (1) The segment or, if the member served in more than one of the capacities  
25 specified in subsection 1 and the benefits related to the capacities are not  
26 interchangeable under section 17856, segments that reflect creditable service  
27 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
28 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
29 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
30 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
31 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
32 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
33 and before October 1, 2023 for employees identified in subsection 1, paragraph R  
34 or purchased by repayment of an earlier refund of accumulated contributions for  
35 service before July 1, 1998, for employees identified in subsection 1, paragraphs  
36 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
37 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph  
38 L; before July 1, 2002 for employees identified in subsection 1, paragraph M;  
39 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P;  
40 ~~and~~ before October 1, 2021 for employees identified in subsection 1, paragraph Q;  
41 and before October 1, 2023 for employees identified in subsection 1, paragraph R  
42 in a capacity or capacities specified in subsection 1 or purchased by other than the  
43 repayment of a refund and eligibility to make the purchase of the service credit,  
44 including, but not limited to, service credit for military service, was achieved  
45 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;  
46 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;  
47 before January 1, 2002 for employees identified in subsection 1, paragraph L;

1 before July 1, 2002 for employees identified in subsection 1, paragraph M; before  
2 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before  
3 October 1, 2021 for employees identified in subsection 1, paragraph Q; and before  
4 October 1, 2023 for employees identified in subsection 1, paragraph R, must be  
5 computed under section 17852, subsection 1, paragraph A. If the member is  
6 qualified under subsection 2, paragraph B and:

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

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

13 (2) The segment that reflects creditable service earned after June 30, 1998 and  
14 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
15 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
16 to H; after December 31, 1999 for employees identified in subsection 1, paragraphs  
17 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph  
18 L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after  
19 June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~  
20 after September 30, 2021 for employees identified in subsection 1, paragraph Q;  
21 and after September 30, 2023 for employees identified in subsection 1, paragraph  
22 R or purchased by repayment of an earlier refund of accumulated contributions for  
23 service after June 30, 1998 and before September 1, 2002 for employees identified  
24 in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified  
25 in subsection 1, paragraphs C to H; after December 31, 1999 for employees  
26 identified in subsection 1, paragraphs I to K; after December 31, 2001 for  
27 employees identified in subsection 1, paragraph L; after June 30, 2002 for  
28 employees identified in subsection 1, paragraph M; after June 30, 2020 for  
29 employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,  
30 2021 for employees identified in subsection 1, paragraph Q; and after September  
31 30, 2023 for employees identified in subsection 1, paragraph R in any one or a  
32 combination of the capacities specified in subsection 1, or purchased by other than  
33 the repayment of a refund and eligibility to make the purchase of the service credit,  
34 including, but not limited to, service credit for military service, was achieved after  
35 June 30, 1998 and before September 1, 2002 for employees identified in subsection  
36 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection  
37 1, paragraphs C to H; after December 31, 1999 for employees identified in  
38 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified  
39 in subsection 1, paragraph L; after June 30, 2002 for employees identified in  
40 subsection 1, paragraph M; after June 30, 2020 for employees identified in  
41 subsection 1, paragraphs N to P; ~~and~~ after September 30, 2021 for employees  
42 identified in subsection 1, paragraph Q; and after September 30, 2023 for  
43 employees identified in subsection 1, paragraph R must be computed under section  
44 17852, subsection 1, paragraph A. If the member is qualified under subsection 2,  
45 paragraph B and:

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

5 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment  
6 amount must be reduced by 6% for each year that the member's age precedes  
7 55 years of age.

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

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

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

18 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,  
19 the benefit must be reduced by 6% for each year that the member's age precedes  
20 55 years of age.

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

23 **5. Contributions.** Notwithstanding any ~~other~~ provision of subchapter 3 to the  
24 contrary, after June 30, 1998 and before September 1, 2002 for employees identified in  
25 subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in  
26 subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in  
27 subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in  
28 subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1,  
29 paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N  
30 to P; ~~and~~ after September 30, 2021 for employees identified in subsection 1, paragraph Q;  
31 and after September 30, 2023 for employees identified in subsection 1, paragraph R, a  
32 member in the capacities specified in subsection 1 must contribute to the State Employee  
33 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%  
34 of earnable compensation until the member has completed 25 years of creditable service as  
35 provided in this section and at the rate of 7.65% thereafter.

36 **Sec. 10. Transition.** If an employee described in the Maine Revised Statutes, Title  
37 5, section 17851-A, subsection 1, paragraph R who is employed on October 1, 2023 elects  
38 to participate in the 1998 Special Plan of the Maine Public Employees Retirement System,  
39 as provided in Title 5, section 17851-A, subsection 1, that employee must make that  
40 election no later than December 31, 2023 and that employee's participation in the 1998  
41 Special Plan becomes effective January 1, 2024.

**SUMMARY**

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This bill adds employees who provide crisis outreach and services to adults with developmental disabilities or intellectual disabilities in a community-based or residential setting, except for an institutional setting, to the 1998 Special Plan for certain Maine Public Employees Retirement System members.