

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1761

S.P. 708

In Senate, April 24, 2023

**An Act to Include Certain Mental Health Workers Under the 1998
Special Plan for Retirement**

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. Persons in the employment of the Department of Health and Human Services on
14 October 1, 2023 or hired thereafter who have responsibility for providing direct care to
15 persons in need of mental health services in a community-based or residential setting
16 or to residents or patients of mental health institutions in this State. For purposes of
17 this paragraph, "direct care" means services or treatment essential to a person's security,
18 health or well-being, except for case management services.

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

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

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

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

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

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

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

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

10 A. If all of the member's creditable service in any one or a combination of the
11 capacities specified in subsection 1 was earned after June 30, 1998 and before
12 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after
13 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
14 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
15 December 31, 2001 for employees identified in subsection 1, paragraph L; after June
16 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020
17 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,
18 2021 for employees identified in subsection 1, paragraph Q; and after September 30,
19 2023 for employees identified in subsection 1, paragraph R; if service credit was
20 purchased by repayment of an earlier refund of accumulated contributions for service
21 in any one or a combination of the capacities specified in subsection 1 after June 30,
22 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
27 M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~
28 after September 30, 2021 for employees identified in subsection 1, paragraph Q; and
29 after September 30, 2023 for employees identified in subsection 1, paragraph R; or if
30 service credit was purchased by other than the repayment of an earlier refund and
31 eligibility to make the purchase of the service credit, including, but not limited to,
32 service credit for military service, was achieved after June 30, 1998 and before
33 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after
34 June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
35 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
36 December 31, 2001 for employees identified in subsection 1, paragraph L; after June
37 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020
38 for employees identified in subsection 1, paragraphs N to P; ~~and~~ after September 30,
39 2021 for employees identified in subsection 1, paragraph Q; and after September 30,
40 2023 for employees identified in subsection 1, paragraph R, the benefit must be
41 computed as provided in section 17852, subsection 1, paragraph A.

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

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

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

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

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

1 including, but not limited to, service credit for military service, was achieved
2 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;
3 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
4 before January 1, 2002 for employees identified in subsection 1, paragraph L;
5 before July 1, 2002 for employees identified in subsection 1, paragraph M; before
6 July 1, 2020 for employees identified in subsection 1, paragraphs N to P; ~~and~~ before
7 October 1, 2021 for employees identified in subsection 1, paragraph Q; and before
8 October 1, 2023 for employees identified in subsection 1, paragraph R, must be
9 computed under section 17852, subsection 1, paragraph A. If the member is
10 qualified under subsection 2, paragraph B and:

11 (a) Had 10 years of creditable service on July 1, 1993, the amount of the
12 segment or segments must be reduced as provided in section 17852, subsection
13 3, paragraphs A and B; or

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

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

1 employees identified in subsection 1, paragraph R must be computed under section
2 17852, subsection 1, paragraph A. If the member is qualified under subsection 2,
3 paragraph B and:

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

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

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

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

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

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

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

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

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

SUMMARY

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This bill adds employees employed on October 1, 2023 and hired thereafter who provide direct care to persons in need of mental health services in a community-based or residential setting or to residents or patients of mental health institutions in this State to the 1998 Special Plan for certain Maine Public Employees Retirement System members.