

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2018

A. The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 60 years of age bears to the life annuity due at the age of retirement.

B. For the purpose of making the computation under paragraph A, the board-approved tables of annuities in effect at the date of the member's retirement is used.

The amount of the service retirement benefit for members qualified under section 18451-A, ~~subsection 2, paragraph C~~ is computed in accordance with subsection 1, except that ~~the benefit is reduced by 6% for each year that the member's age precedes 65 years of age~~ any benefit reduction for retiring prior to 60 years of age for members qualified under section 18451-A, subsection 1 or prior to 65 years of age for members qualified under section 18451-A, subsection 2 must be contained in the plan provisions adopted by rule pursuant to section 18801 that provide for the payment of the full actuarial cost of retiring prior to 60 years of age or 65 years of age as applicable.

Sec. 9. 5 MRSA §18457-A is enacted to read:

§18457-A. Restoration to service

The plan provisions adopted by rule pursuant to section 18801 govern the return of a retiree to employment by an employer participating in the Participating Local District Consolidated Retirement Plan.

Sec. 10. 5 MRSA §18801, first ¶, as repealed and replaced by PL 2009, c. 474, §44, is amended to read:

There is established the Participating Local District Consolidated Retirement Plan as a governmental qualified defined benefit plan pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code and such other provisions of the Internal Revenue Code and United States Treasury regulations and other guidance as are applicable, which has the powers and privileges of a corporation. The purpose of the Participating Local District Consolidated Retirement Plan is to provide retirement allowances and other benefits under this chapter for employees of participating local districts that contract with the retirement system in accordance with section 18804. The board shall establish by rule the plan provisions of the Participating Local District Consolidated Retirement Plan ~~in accordance with section 18804.~~ Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 11. 5 MRSA §18801, sub-§3, as enacted by PL 1989, c. 811, §3, is amended to read:

3. No reduction of benefits. The level of service retirement benefits for employees of participating local districts that adopt the plan may not be reduced with relation to either benefits based upon service before adoption of the plan or benefits based upon service

after adoption of the plan. As used in this subsection, "level of service retirement benefits" means the service credit accrual rate, the number of years included in the definition of "average final compensation," the age and creditable service requirements for receiving an unreduced benefit and the basic benefit formula of years of creditable service multiplied by the service credit accrual rate and average final compensation.

Sec. 12. 5 MRSA §18804, sub-§7 is enacted to read:

7. Withdrawal from participation. The plan provisions adopted by rule pursuant to section 18801 govern the withdrawal of a local district from participation in the plan and must include withdrawal liability payments by the local district of amounts calculated in an actuarially sound manner and appropriate to protect the funding of the plan and treat members, the withdrawing local district and nonwithdrawing local districts in a fair manner.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 18, 2018.

CHAPTER 393

H.P. 1309 - L.D. 1877

An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders

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

Sec. 1. 30-A MRSA §3014, sub-§2, ¶B, as amended by PL 2013, c. 161, §1, is repealed and the following enacted in its place:

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising:

(1) A public or private elementary, middle or secondary school;

(2) A municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; or

(3) A municipally owned or state-owned property leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

See title page for effective date.
