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Legislative Document

No. 1653

S.P. 610

In Senate, November 29, 2017

An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers

Submitted by the Department of Public Safety pursuant to Joint Rule 203.
Received by the Secretary of the Senate on November 27, 2017. Referred to the
Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§2**, as repealed and replaced by PL 2003, c. 510,
3 Pt. D, §1 and affected by §§6 and 7, is amended to read:

4 **2. Qualification for benefits.** A member employed in any one or a combination of
5 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002
6 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
7 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
8 employees identified in subsection 1, paragraphs I to K; ~~after June 30, 2002 for~~
9 ~~employees~~ any employee identified in subsection 1, paragraph M; and any employee
10 identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that
11 member either:

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

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

18 **Sec. 2. 5 MRSA §17851-A, sub-§3, ¶A**, as repealed and replaced by PL 2003, c.
19 510, Pt. D, §2 and affected by §§6 and 7, is amended to read:

20 A. For the purpose of meeting the qualification requirement of subsection 2,
21 paragraph A:

22 (1) Service credit purchased by repayment of an earlier refund of accumulated
23 contributions following termination of service is included only to the extent that
24 time to which the refund relates was served after June 30, 1998 and before
25 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
26 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;
27 and after December 31, 1999 for employees identified in subsection 1,
28 paragraphs I to K; ~~and after June 30, 2002 for employees identified in subsection~~
29 ~~1, paragraph M~~, in any one or a combination of the capacities specified in
30 subsection 1. Service credit may be purchased for service by an employee
31 identified in subsection 1, ~~paragraph~~ paragraphs L and M regardless of when
32 performed; and

33 (2) Service credit purchased other than as provided under subparagraph (1),
34 including but not limited to service credit for military service, is not included.

35 **Sec. 3. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.
36 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

37 A. If all of the member's creditable service in any one or a combination of the
38 capacities specified in subsection 1 was earned after June 30, 1998 and before
39 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
40 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after
41 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after

1 December 31, 2001 for employees identified in subsection 1, paragraph L; and after
2 ~~June 30, 2002~~ regardless of when earned for employees identified in subsection 1,
3 paragraph M; if service credit was purchased by repayment of an earlier refund of
4 accumulated contributions for service in any one or a combination of the capacities
5 specified in subsection 1 after June 30, 1998 and before September 1, 2002 for
6 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for
7 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for
8 employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for
9 employees identified in subsection 1, paragraph L; and ~~after June 30, 2002~~ regardless
10 of when earned for employees identified in subsection 1, paragraph M; or if service
11 credit was purchased by other than the repayment of an earlier refund and eligibility
12 to make the purchase of the service credit, including, but not limited to, service credit
13 for military service, was achieved after June 30, 1998 and before September 1, 2002
14 for 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; and ~~after June 30, 2002~~ regardless
18 of when earned for employees identified in subsection 1, paragraph M, the benefit
19 must be computed as provided in section 17852, subsection 1, paragraph A.

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

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

26 **Sec. 4. 5 MRSA §17851-A, sub-§4, ¶E**, as enacted by PL 2001, c. 409, §5, is
27 amended to read:

28 E. The service retirement benefit of a member to whom subsection 1, paragraph L or
29 M applies and who qualifies for service retirement benefits under subsection 2 must
30 be computed under section 17852, subsection 1, paragraph A on the basis of all of the
31 member's creditable service in the capacity specified in subsection 1, paragraph L or
32 M, regardless of when that creditable service was earned, except that for a member
33 qualifying under subsection 2, paragraph B:

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

37 (2) If the member had fewer than 10 years of creditable service on July 1, 1993,
38 the benefit must be reduced by 6% for each year that the member's age precedes
39 55 years of age.

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SUMMARY

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This bill provides that service retirement benefits for a Capitol Police officer in the

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employment of the Department of Public Safety must be computed on the basis of all of

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the member's creditable service, regardless of when that service was earned.