



125th MAINE LEGISLATURE

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Legislative Document

No. 298

H.P. 242

House of Representatives, February 3, 2011

**An Act To Amend the Retirement Benefit Provisions for State
Employees Working under Special Plans Who Remain Employed
beyond the Minimum Years Necessary To Qualify for Retirement
Benefits**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SARTY of Denmark.
Cosponsored by Senator COURTNEY of York and
Representatives: COTTA of China, CURTIS of Madison, CUSHING of Hampden, DAVIS of
Sangerville, HAYES of Buckfield, JOHNSON of Greenville, McKANE of Newcastle, Senator:
President RAYE of Washington.

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

2 **Sec. 1. 5 MRSA §17852, sub-§4, ¶A**, as amended by PL 1997, c. 396, §1 and
3 affected by §4, is further amended to read:

4 A. For a ~~person~~ member qualifying under section 17851, subsection 4, paragraph A:

5 (1) The total amount of the service retirement benefit is:

6 (a) Except as provided in division (b), 1/2 of the ~~person's~~ member's average
7 final compensation and an additional 2% of the ~~person's~~ member's average
8 final compensation for each year of membership service before October 1,
9 2011 not included in determining qualification under section 17851,
10 subsection 4, paragraph A; or

11 (b) If the benefit would be greater, the part of the ~~person's~~ member's service
12 retirement benefit based upon membership service before July 1, 1976,
13 determined, on a pro rata basis, on the ~~person's~~ member's current annual
14 salary on the date of retirement and the part of the ~~person's~~ member's service
15 retirement benefit based upon membership service after June 30, 1976,
16 determined in accordance with division (a); ~~and~~

17 (2) Upon the death of a state police officer who is receiving a retirement benefit
18 after qualifying under section 17851, subsection 4, paragraph A, without optional
19 modification, or is retired under article 3 or article 3-A, the surviving spouse is
20 entitled to a retirement benefit that is 1/2 of the amount being paid at the time of
21 the officer's death. The payment must continue for the remainder of the surviving
22 spouse's lifetime.

23 For the purpose of this subparagraph, "surviving spouse" means the person the
24 retired officer was married to at the time of retirement. If the retired officer was
25 not married at the time of retirement or subsequent to retirement was divorced or
26 widowed, the term means the person legally married to the officer at the time of
27 the officer's death; ~~and~~

28 (3) Notwithstanding subparagraph (2), the benefit to which a surviving spouse is
29 entitled under subparagraph (2) may be awarded in whole or in part to another
30 person or persons under a domestic relations order that is determined to be a
31 qualified domestic relations order under section 17059 and, when so awarded, the
32 benefit must be distributed in accordance with the qualified domestic relations
33 order.

34 **Sec. 2. 5 MRSA §17852, sub-§5, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
35 is amended to read:

36 A. The total amount of the service retirement benefit is:

37 (1) Except as provided in subparagraph (2), 1/2 of ~~his~~ the member's average final
38 compensation and an additional 2% of ~~his~~ the member's average final
39 compensation for each year of membership service before October 1, 2011 not
40 included in determining qualifications under section 17851, subsection 5; or

1 (2) If ~~his~~ the benefit would be greater, the part of ~~his~~ the member's service
2 retirement benefit based upon membership service before July 1, 1976, ~~shall be~~
3 determined, on a pro rata basis, on ~~his~~ the member's current annual salary on the
4 date of retirement and the part of ~~his~~ the member's service retirement benefit
5 based upon membership service after June 30, 1976, ~~shall be~~ determined in
6 accordance with subparagraph (1).

7 **Sec. 3. 5 MRSA §17852, sub-§6, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
8 is amended to read:

9 A. The total amount of the service retirement benefit is:

10 (1) Except as provided in subparagraph (2), 1/2 of ~~his~~ the member's average final
11 compensation and an additional 2% of ~~his~~ the member's average final
12 compensation for each year of membership service before October 1, 2011 not
13 included in determining qualification under section 17851, subsection 6 or 7; or

14 (2) If ~~his~~ the benefit would be greater, the part of ~~his~~ the member's service
15 retirement benefit based upon membership service before July 1, 1976, ~~shall be~~
16 determined, on a pro rata basis, on ~~his~~ the member's current annual salary on the
17 date of retirement and the part of ~~his~~ the member's service retirement benefit
18 based upon membership service after June 30, 1976, ~~shall be~~ determined in
19 accordance with subparagraph (1).

20 **Sec. 4. 5 MRSA §17852, sub-§7, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
21 is amended to read:

22 A. Except as provided in paragraph B, 1/2 of ~~his~~ the member's average final
23 compensation and an additional 2% of ~~his~~ the member's average final compensation
24 for each year of membership service before October 1, 2011 not included in
25 determining qualifications under section 17851, subsection 8; or

26 **Sec. 5. 5 MRSA §17852, sub-§8, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
27 is amended to read:

28 A. 1/2 of ~~his~~ the member's average final compensation and an additional 2% of ~~his~~
29 the member's average final compensation for each year of membership service before
30 October 1, 2011 not included in determining qualification under section 17851,
31 subsection 9; or

32 **Sec. 6. 5 MRSA §17852, sub-§9, ¶A**, as enacted by PL 1993, c. 387, Pt. A, §14,
33 is amended to read:

34 A. Except as provided in paragraph B, the total amount of the service retirement
35 benefit is 1/2 of the member's average final compensation and an additional 2% of the
36 member's average final compensation for each year of membership service before
37 October 1, 2011 not included in determining qualification under section 17851,
38 subsection 10; or

39 **Sec. 7. 5 MRSA §17852, sub-§10, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7,
40 is amended to read:

