

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 10 and inserting the following:

**‘Sec. 10. Corrections and Mental Health Workers Service Retirement Benefit Reserve; established.** Notwithstanding the Maine Revised Statutes, Title 5, section 1536, there is established the Corrections and Mental Health Workers Service Retirement Benefit Reserve for the purpose of accumulating funds that would otherwise be payable to the Retirement Allowance Fund. The assets of the Corrections and Mental Health Workers Service Retirement Benefit Reserve must be held by the Maine State Retirement System as assets of the system apart from other assets attributable to the state employee and teacher retirement plan of the system. These assets must be accounted for by the system in the manner it determines to reflect the requirements of this Act. The Corrections and Mental Health Workers Service Retirement Benefit Reserve must be used to reserve funds to meet the full actuarial costs arising from the implementation of those sections of this Act that enact Title 5, section 17851-A, subsection 1, paragraph N and amend Title 5, section 17851-A, subsections 2, 3, 4 and 5, including normal cost rates for the 6 years following the effective date of this Act. Any funds remaining in the Corrections and Mental Health Workers Service Retirement Benefit Reserve at the end of each fiscal year must be carried forward to be used for the same purposes. Expenditures may not be made from this reserve and appropriations may not be considered to be made to the Retirement Allowance Fund or the Maine State Retirement System from this reserve except as provided in this Act or by further authorization of the Legislature.’

Amend the bill in section 11 in the last line (page 4, line 23 in L.D.) by inserting after the following: "section 1536." the following: 'In addition, beginning on the effective date of this Act, members of the Maine State Retirement System who are employees of the Department of Health and Human Services as of January 1, 2000 or hired thereafter who are employed in mental health institutions and whose duties involve providing direct care, meaning services or treatment essential to everyday security, health and well-being, to residents or patients of those institutions or to wards of the State shall contribute to their individual retirement accounts an additional 1% of earnable compensation until the contingency set out in section 14 of this Act is satisfied by the required certification. Such contributions are included as accumulated contributions as defined in Title 5, section 17001, subsection 1 but must be refunded in full to any member contributing them who retires on or before the effective date of those sections of this Act that enact the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph N and amend Title 5, section 17851-A, subsections 2, 3, 4 and 5 pursuant to section 15 of this Act.'

Amend the bill in section 13 in the second line (page 5, line 4 in L.D.) by striking out the following: "**between August 31, 1984 and**" and insert the following: '**before**'

Amend the bill in section 13 in the third line (page 5, line 5 in L.D.) by striking out the following: "between August 31, 1984 and" and insert the following: 'before'

Amend the bill in section 13 in the second indented paragraph in the second line (page 5, line 25 in L.D.) by striking out the following: "between August 31, 1984 and" and insert the following: 'before'

Amend the bill in section 14 in the first line (page 5, line 38 in L.D.) by striking out the following: "**between August 31, 1984 and**" and insert the following: '**before**'

Amend the bill in section 14 in the third line (page 5, line 40 in L.D.) by striking out the following: "between August 31, 1984 and" and insert the following: 'before'

Amend the bill by striking out all of section 15 and inserting the following:

**‘Sec. 15. Contingent effective date; construction.** Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph N and amend Title 5, section 17851-A, subsections 2, 3, 4 and 5 do not take effect unless and until the contingency set out in section 14 of this Act is satisfied by the required certification. The full actuarial costs arising from the implementation of those sections must be adjusted upward, if necessary, based upon actuarial projections of the Maine State Retirement System. Those sections of this Act that enact Title 5, section 17851-A, subsection 1, paragraph N and amend Title 5, section 17851-A, subsections 2, 3, 4 and 5 may not be construed to create any contractual claim or right or any other claim for any state employee.’

### **SUMMARY**

This amendment provides that the Corrections and Mental Health Workers Service Retirement Benefit Reserve is held by the Maine State Retirement System rather than in the General Fund. The amendment also provides for 1% contributions to the reserve by affected classifications of corrections officers and mental health workers.

### **FISCAL NOTE REQUIRED**

**(See attached)**