



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 317

H.P. 221

House of Representatives, February 8, 2021

**An Act To Create Equality in Retirement for Forest Rangers with
That of Employees of State Conservation Law Enforcement
Agencies**

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOORE of Augusta.
Cosponsored by Representatives: CLOUTIER of Lewiston, CUDDY of Winterport,
MADIGAN of Waterville, McCREA of Fort Fairfield, WHITE of Waterville, Senator:
BALDACCI of Penobscot.

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

2 **Sec. 1. 5 MRSA §17711, sub-§3** is enacted to read:

3 **3. After August 31, 1984, beginning September 1, 2022.** Beginning September 1,
4 2022, a forest ranger in the Department of Agriculture, Conservation and Forestry who was
5 first employed in that capacity after August 31, 1984 shall contribute to the retirement
6 system or have pick-up contributions made by the employer at a rate of 7.5% of earnable
7 compensation until the law enforcement officer has completed 25 years of creditable
8 service and at a rate of 6.5% thereafter.

9 **Sec. 2. 5 MRSA §17851, sub-§8-B** is enacted to read:

10 **8-B. Forest rangers after August 31, 1984, beginning September 1, 2022.**
11 Beginning September 1, 2022 and subject to subsection 8-C, a forest ranger in the
12 Department of Agriculture, Conservation and Forestry who was first employed in that
13 capacity after August 31, 1984 or who, if employed in that capacity before August 31,
14 1984, ceased to be employed in that capacity on or before that date and who subsequently
15 became reemployed in that capacity after that date qualifies for a service retirement benefit
16 after completing at least 25 years of creditable service in that capacity.

17 **Sec. 3. 5 MRSA §17851, sub-§8-C** is enacted to read:

18 **8-C. Forest rangers; contingent qualifications for benefits.** Notwithstanding
19 subsection 8-A and section 17851-A, subsection 1, paragraph C, the qualification for a
20 service retirement benefit for a forest ranger in the Department of Agriculture,
21 Conservation and Forestry who was first employed after August 31, 1984 is governed by
22 the provisions of subsection 8-B for all service earned in a covered capacity upon
23 certification by the executive director to the Governor and the Commissioner of
24 Agriculture, Conservation and Forestry that all liabilities associated with that service have
25 been paid in full by the State to the system.

26 **Sec. 4. 5 MRSA §17851-A, sub-§1, ¶C**, as amended by PL 2013, c. 405, Pt. D,
27 §2, is further amended to read:

28 C. ~~Forest~~ Until September 1, 2022, forest rangers in the employment of the former
29 Department of Conservation on July 1, 1998, or hired thereafter by the former
30 Department of Conservation or the Department of Agriculture, Conservation and
31 Forestry;

32 **Sec. 5. 5 MRSA §17851-A, sub-§2**, as corrected by RR 2019, c. 2, Pt. A, §5, is
33 amended to read:

34 **2. Qualification for benefits.** A member employed in any one or a combination of
35 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002
36 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 and
37 before September 1, 2022 for employees identified in subsection 1, ~~paragraphs~~ paragraph
38 C; after June 30, 1998 for employees identified in subsection 1, paragraphs E to H; after
39 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any
40 employee identified in subsection 1, paragraph M; after June 30, 2020 for employees
41 identified in subsection 1, paragraphs N to P; and any employee identified in subsection 1,
42 paragraph L, qualifies for a service retirement benefit if that member either:

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

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

7 **Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §6,
8 is amended by amending subparagraph (1) to read:

9 (1) Service credit purchased by repayment of an earlier refund of accumulated
10 contributions following termination of service is included only to the extent that
11 time to which the refund relates was served after June 30, 1998 and before
12 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;
13 after June 30, 1998 and before September 1, 2022 for employees identified in
14 subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998 for employees identified
15 in subsection 1, paragraphs E to H; after December 31, 1999 for employees
16 identified in subsection 1, paragraphs I to K; and after June 30, 2020 for employees
17 identified in subsection 1, paragraphs N to P in any one or a combination of the
18 capacities specified in subsection 1. Service credit may be purchased for service
19 by an employee identified in subsection 1, paragraphs L and M regardless of when
20 performed; and

21 **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶A**, as corrected by RR 2019, c. 2, Pt. A, §7,
22 is amended to read:

23 A. If all of the member's creditable service in any one or a combination of the
24 capacities specified in subsection 1 was earned after June 30, 1998 and before
25 September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after
26 June 30, 1998 and before September 1, 2022 for employees identified in subsection 1,
27 ~~paragraphs~~ paragraph C; after June 30, 1998 for employees identified in subsection 1,
28 paragraphs E to H; after December 31, 1999 for employees identified in subsection 1,
29 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,
30 paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph
31 M; and after June 30, 2020 for employees identified in subsection 1, paragraphs N to
32 P; if service credit was purchased by repayment of an earlier refund of accumulated
33 contributions for service in any one or a combination of the capacities specified in
34 subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified
35 in subsection 1, paragraphs A and B; after June 30, 1998 and before September 1, 2022
36 for employees identified in subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998
37 for employees identified in subsection 1, paragraphs E to H; after December 31, 1999
38 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001
39 for employees identified in subsection 1, paragraph L; after June 30, 2002 for
40 employees identified in subsection 1, paragraph M; and after June 30, 2020 for
41 employees identified in subsection 1, paragraphs N to P; or if service credit was
42 purchased by other than the repayment of an earlier refund and eligibility to make the
43 purchase of the service credit, including, but not limited to, service credit for military
44 service, was achieved after June 30, 1998 and before September 1, 2002 for employees
45 identified in subsection 1, paragraphs A and B; after June 30, 1998 and before

1 September 1, 2022 for employees identified in subsection 1, paragraphs ~~paragraphs~~ paragraph C;
2 after June 30, 1998 for employees identified in subsection 1, paragraphs E to H; after
3 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after
4 December 31, 2001 for employees identified in subsection 1, paragraph L; after June
5 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30,
6 2020 for employees identified in subsection 1, paragraphs N to P, the benefit must be
7 computed as provided in section 17852, subsection 1, paragraph A.

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

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

14 **Sec. 8. 5 MRSA §17851-A, sub-§4, ¶B**, as corrected by RR 2019, c. 2, Pt. A, §8,
15 is amended to read:

16 B. Except as provided in paragraphs D, E and F, if some part of the member's creditable
17 service in any one or a combination of the capacities specified in subsection 1 was
18 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to
19 H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
20 before January 1, 2002 for employees identified in subsection 1, paragraph L; before
21 July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1,
22 2020 for employees identified in subsection 1, paragraphs N to P and some part of the
23 member's creditable service in any one or a combination of the capacities specified in
24 subsection 1 was earned after June 30, 1998 and before September 1, 2002 for
25 employees identified in subsection 1, paragraphs A and B; after June 30, 1998 and
26 before September 1, 2022 for employees identified in subsection 1, ~~paragraphs~~
27 paragraph C; after June 30, 1998 for employees identified in subsection 1, ~~paragraphs~~
28 E to H; after December 31, 1999 for employees identified in subsection 1, paragraphs
29 I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L;
30 after June 30, 2002 for employees identified in subsection 1, paragraph M; and after
31 June 30, 2020 for employees identified in subsection 1, paragraphs N to P, then the
32 member's service retirement benefit must be computed in segments and the amount of
33 the member's service retirement benefit is the sum of the segments. The segments must
34 be computed as follows:

35 (1) The segment or, if the member served in more than one of the capacities
36 specified in subsection 1 and the benefits related to the capacities are not
37 interchangeable under section 17856, segments that reflect creditable service
38 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A
39 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; and
42 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P or
43 purchased by repayment of an earlier refund of accumulated contributions for
44 service before July 1, 1998, for employees identified in subsection 1, paragraphs
45 A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs

1 I to K; before January 1, 2002 for employees identified in subsection 1, paragraph
2 L; before July 1, 2002 for employees identified in subsection 1, paragraph M; and
3 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P in
4 a capacity or capacities specified in subsection 1 or purchased by other than the
5 repayment of a refund and eligibility to make the purchase of the service credit,
6 including, but not limited to, service credit for military service, was achieved
7 before July 1, 1998 for employees identified in subsection 1, paragraphs A to H;
8 before January 1, 2000 for employees identified in subsection 1, paragraphs I to K;
9 before January 1, 2002 for employees identified in subsection 1, paragraph L;
10 before July 1, 2002 for employees identified in subsection 1, paragraph M; and
11 before July 1, 2020 for employees identified in subsection 1, paragraphs N to P,
12 must be computed under section 17852, subsection 1, paragraph A. If the member
13 is qualified under subsection 2, paragraph B and:

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

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

20 (2) The segment that reflects creditable service earned after June 30, 1998 and
21 before September 1, 2002 for employees identified in subsection 1, paragraphs A
22 and B; after June 30, 1998 and before September 1, 2022 for employees identified
23 in subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998 for employees
24 identified in subsection 1, paragraphs E to H; after December 31, 1999 for
25 employees identified in subsection 1, paragraphs I to K; after December 31, 2001
26 for employees identified in subsection 1, paragraph L; after June 30, 2002 for
27 employees identified in subsection 1, paragraph M; and after June 30, 2020 for
28 employees identified in subsection 1, paragraphs N to P or purchased by repayment
29 of an earlier refund of accumulated contributions for service after June 30, 1998
30 and before September 1, 2002 for employees identified in subsection 1, paragraphs
31 A and B; after June 30, 1998 and before September 1, 2022 for employees
32 identified in subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998 for
33 employees identified in subsection 1, paragraphs E to H; after December 31, 1999
34 for employees identified in subsection 1, paragraphs I to K; after December 31,
35 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for
36 employees identified in subsection 1, paragraph M; and after June 30, 2020 for
37 employees identified in subsection 1, paragraphs N to P in any one or a
38 combination of the capacities specified in subsection 1, or purchased by other than
39 the repayment of a refund and eligibility to make the purchase of the service credit,
40 including, but not limited to, service credit for military service, was achieved after
41 June 30, 1998 and before September 1, 2002 for employees identified in subsection
42 1, paragraphs A and B; after June 30, 1998 and before September 1, 2022 for
43 employees identified in subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998
44 for employees identified in subsection 1, paragraphs E to H; after December 31,
45 1999 for employees identified in subsection 1, paragraphs I to K; after December
46 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002

1 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for
2 employees identified in subsection 1, paragraphs N to P must be computed under
3 section 17852, subsection 1, paragraph A. If the member is qualified under
4 subsection 2, paragraph B and:

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

9 (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment
10 amount must be reduced by 6% for each year that the member's age precedes
11 55 years of age.

12 **Sec. 9. 5 MRSA §17851-A, sub-§5**, as corrected by RR 2019, c. 2, Pt. A, §9, is
13 amended to read:

14 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June
15 30, 1998 and before September 1, 2002 for employees identified in subsection 1,
16 paragraphs A and B; after June 30, 1998 and before September 1, 2022 for employees
17 identified in subsection 1, ~~paragraphs~~ paragraph C; after June 30, 1998 for employees
18 identified in subsection 1, paragraphs E to H; after December 31, 1999 for employees
19 identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees
20 identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in
21 subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection
22 1, paragraphs N to P, a member in the capacities specified in subsection 1 must contribute
23 to the State Employee and Teacher Retirement Program or have pick-up contributions
24 made at the rate of 8.65% of earnable compensation until the member has completed 25
25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

26 **Sec. 10. 5 MRSA §17852, sub-§7-C** is enacted to read:

27 **7-C. Forest rangers; benefit computation after September 1, 2022.** On and after
28 September 1, 2022, the retirement benefit of a law enforcement officer in the Department
29 of Agriculture, Conservation and Forestry who is qualified under section 17851, subsection
30 8-B is calculated as follows:

31 A. The portion of the retirement benefit that is based on service earned in the covered
32 capacity prior to September 1, 2022 is computed in accordance with section 17851-A,
33 subsection 4; and

34 B. The portion of the retirement benefit that is based on service earned in the covered
35 capacity on and after September 1, 2022 is computed in accordance with subsection 1.

36 **Sec. 11. 5 MRSA §17852, sub-§7-D** is enacted to read:

37 **7-D. Forest rangers; contingent benefit computation.** Notwithstanding subsection
38 7-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of
39 Agriculture, Conservation and Forestry who is qualified under section 17851, subsection
40 8-C is computed in accordance with subsection 8-C, paragraph B for all service in the
41 covered capacity.

SUMMARY

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This bill removes forest rangers in the Department of Agriculture, Conservation and Forestry from the 1998 Special Plan and allows them to retire after 25 years of service, similar to law enforcement officers in the Department of Marine Resources and law enforcement officers in the Department of Inland Fisheries and Wildlife.