

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053 sub-§5

Agency name: **Maine Public Employees Retirement System**
Umbrella-Unit: **94-411**
Statutory authority: 5 MRS §§ 17103(4), 18801
Chapter number/title: **Ch. 803**, Participating Local District Consolidated Plan
Filing number: **2017-133**
Effective date: 8/30/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule governs the Consolidated Plan for Participating Local Districts. MainePERS is recommending changes to the rule in response to inquiries from local districts seeking more flexibility in available benefit options.

Basis statement / summary:

As provided by 5 MRS §1880, sub-§6, the Board of Trustees accepted the recommendation of retirement system staff, as reviewed and agreed upon by the Participating Local District Consolidated Plan Advisory Committee, and fashioned several amendments to Ch. 803. The proposal for rule-making was noticed on June 21, 2017, and the public was given the opportunity to submit written comments.

Public comments were received by Jonathan L. Carter, Town Manager for the Town of Wells, and Ray Cote, Business Agent for Teamsters Local Union No. 340, prior to the July 28, 2017 comment deadline. Both comments were in support of the proposed rule amendments. No comments in opposition to the proposed amendments were received.

The amendments remove certain limits on what benefits participating local districts can offer prospectively to new hires. Specifically, the amendments remove prohibitions on: 1) a withdrawn district resuming participation at a lower level of benefit than it offered before withdrawal; 2) a district selecting a non-COLA plan unless it provided one prior to the establishment of the Consolidated Plan; and 3) a district changing the election it made in the early 1990s regarding membership for part-time, seasonal and temporary workers. Removing these restrictions provide more flexibility to local districts that participate in the plan in terms of the benefits that can be elected for the district's employees.

At the Board's regular meeting held on August 10, 2017, Kenneth Williams made the motion, seconded by Richard Metivier, to adopt the amended rule. The motion was unanimously approved by those Board members present.

Fiscal impact of rule:

None.