

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 everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 5 MRSA §17852-A** is enacted to read:

**§ 17852-A. Computation of benefit for certain correctional facility employees**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Client" has the same meaning as in Title 34-A, section 1001, subsection 1-A.
- B. "Closure" means the removal of all clients from a correctional facility pursuant to legislation enacted into law approving the removal of all clients.
- C. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.

**2. Correctional facility employees.** Notwithstanding section 17852 and any other provision of law, the service retirement benefit for a member for whom funding has been received under subsection 6 is computed as provided in subsection 3 if the member:

- A. Has creditable service of 25 years or more;
- B. Has not reached what would be the member's normal retirement age absent this section;
- C. Was employed in a correctional facility at the time legislation approving the closure of that correctional facility was enacted and that correctional facility is located more than 100 miles from the nearest correctional facility; and
- D. Retires as a direct result of the closure of the correctional facility described in paragraph C.

**3. Benefit.** The amount of the service retirement benefit for a member qualified under subsection 2 is 1/50 of the member's average final compensation multiplied by the number of years of creditable service.

**4. Certification and calculation of required funding.** Within 5 days of a closure of a correctional facility, the Commissioner of Corrections shall provide certification of the closure and the date of enactment and the chapter of the law approving the closure to the retirement system. The retirement system shall determine the required funding for service retirement benefits under subsection 3 for all members who meet the conditions of subsection 2 and shall provide the determined amount to the Commissioner of Administrative and Financial Services, the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over retirement matters.

**5. Increase in employer contribution.** Upon receipt of the determined required funding from the retirement system pursuant to subsection 4, the Department of Administrative and Financial Services shall assess a one-time increase in the Department of Corrections' employer contribution rate provided for in section 17253 to fully fund the determined amount.

**6. Receipt of funding.** The service retirement benefit for a member who meets the conditions of subsection 2 is paid under subsection 3 only if the retirement system has received the funding from the additional assessment provided for in subsection 5 or received an appropriation from the Legislature for the required funding under subsection 4.'

## SUMMARY

This amendment, which is the majority report of the committee, differs from the bill in the following ways.

1. It defines "closure" as the removal of all clients from a correctional facility pursuant to legislative action.

2. It removes the provision that the Commissioner of Administrative and Financial Services provide notification to the Maine Public Employees Retirement System of closure and replaces it with a provision that requires the Department of Corrections to notify the retirement system of the date of closure and the date of enactment and the chapter of the law that provides for the closure.

3. It provides funding for the unfunded actuarial liability of the additional retirement benefits for qualified individuals through a one-time increase in the Department of Corrections' employer contribution rate for payment of the unfunded actuarial liability.