



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 99

H.P. 67

House of Representatives, January 17, 2017

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**An Act To Expand the 1998 Special Retirement Plan To Include  
Detectives in the Office of Investigations within the Department of  
the Secretary of State, Bureau of Motor Vehicles**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative NADEAU of Winslow.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: DOORE of Augusta, DUNPHY of Old Town, GOLDEN of Lewiston,  
HANINGTON of Lincoln, Senators: DIAMOND of Cumberland, DION of Cumberland,  
LIBBY of Androscoggin, MAKER of Washington.

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

2 **Sec. 1. 5 MRSA §17851-A, sub-§1, ¶L**, as amended by PL 2001, c. 646, §1, is  
3 further amended to read:

4 L. Oil and hazardous materials emergency response workers in the employment of  
5 the Department of Environmental Protection, Division of Response Services who  
6 participate in a standby rotation on January 1, 2002 or who are hired thereafter; ~~and~~

7 **Sec. 2. 5 MRSA §17851-A, sub-§1, ¶M**, as enacted by PL 2001, c. 646, §2 and  
8 amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

9 M. Capitol Police officers in the employment of the Department of Public Safety,  
10 Bureau of Capitol Police on July 1, 2002 or who are hired thereafter; ~~and~~

11 **Sec. 3. 5 MRSA §17851-A, sub-§1, ¶N** is enacted to read:

12 N. Detectives in the employment of the office of investigations within the  
13 Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2018 who  
14 elect to participate in the 1998 Special Plan or who are hired thereafter.

15 **Sec. 4. 5 MRSA §17851-A, sub-§2**, as repealed and replaced by PL 2003, c. 510,  
16 Pt. D, §1 and affected by §§6 and 7, is amended to read:

17 **2. Qualification for benefits.** A member employed in any one or a combination of  
18 the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002  
19 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for  
20 employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
21 employees identified in subsection 1, paragraphs I to K; after June 30, 2002 for  
22 employees identified in subsection 1, paragraph M; after June 30, 2018 for employees  
23 identified in subsection 1, paragraph N; and any employee identified in subsection 1,  
24 paragraph L, qualifies for a service retirement benefit if that member either:

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

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

31 **Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A**, as repealed and replaced by PL 2003, c.  
32 510, Pt. D, §2 and affected by §§6 and 7, is amended to read:

33 A. For the purpose of meeting the qualification requirement of subsection 2,  
34 paragraph A:

35 (1) Service credit purchased by repayment of an earlier refund of accumulated  
36 contributions following termination of service is included only to the extent that  
37 time to which the refund relates was served after June 30, 1998 and before  
38 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;

1 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H;  
2 after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
3 K; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph  
4 M; and after June 30, 2018 for employees identified in subsection 1, paragraph N,  
5 in any one or a combination of the capacities specified in subsection 1. Service  
6 credit may be purchased for service by an employee identified in subsection 1,  
7 paragraph L regardless of when performed; and

8 (2) Service credit purchased other than as provided under subparagraph (1),  
9 including but not limited to service credit for military service, is not included.

10 **Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c.  
11 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

12 A. If all of the member's creditable service in any one or a combination of the  
13 capacities specified in subsection 1 was earned after June 30, 1998 and before  
14 September 1, 2002 for employees identified in subsection 1, paragraphs A and B;  
15 after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
16 December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after  
17 December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after  
18 June 30, 2002 for employees identified in subsection 1, paragraph M; and after June  
19 30, 2018 for employees identified in subsection 1, paragraph N; if service credit was  
20 purchased by repayment of an earlier refund of accumulated contributions for service  
21 in any one or a combination of the capacities specified in subsection 1 after June 30,  
22 1998 and before September 1, 2002 for employees identified in subsection 1,  
23 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
24 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
25 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
26 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1,  
27 paragraph M; and after June 30, 2018 for employees identified in subsection 1,  
28 paragraph N; or if service credit was purchased by other than the repayment of an  
29 earlier refund and eligibility to make the purchase of the service credit, including, but  
30 not limited to, service credit for military service, was achieved after June 30, 1998  
31 and before September 1, 2002 for employees identified in subsection 1, paragraphs A  
32 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to  
33 H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to  
34 K; after December 31, 2001 for employees identified in subsection 1, paragraph L;  
35 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and  
36 after June 30, 2018 for employees identified in subsection 1, paragraph N, the benefit  
37 must be computed as provided in section 17852, subsection 1, paragraph A.

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

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

1           **Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as repealed and replaced by PL 2003, c.  
2 510, Pt. D, §4 and affected by §§6 and 7, is amended to read:

3           B. Except as provided in paragraphs D and E, if some part of the member's creditable  
4 service in any one or a combination of the capacities specified in subsection 1 was  
5 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to  
6 H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to  
7 K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~  
8 before July 1, 2002 for employees identified in subsection 1, paragraph M; and before  
9 July 1, 2018 for employees identified in subsection 1, paragraph N and some part of  
10 the member's creditable service in any one or a combination of the capacities  
11 specified in subsection 1 was earned after June 30, 1998 and before September 1,  
12 2002 for employees identified in subsection 1, paragraphs A and B; after June 30,  
13 1998 for employees identified in subsection 1, paragraphs C to H; after December 31,  
14 1999 for employees identified in subsection 1, paragraphs I to K; after December 31,  
15 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002  
16 for employees identified in subsection 1, paragraph M; and after June 30, 2018 for  
17 employees identified in subsection 1, paragraph N, then the member's service  
18 retirement benefit must be computed in segments and the amount of the member's  
19 service retirement benefit is the sum of the segments. The segments must be  
20 computed as follows:

21           (1) The segment or, if the member served in more than one of the capacities  
22 specified in subsection 1 and the benefits related to the capacities are not  
23 interchangeable under section 17856, segments that reflect creditable service  
24 earned before July 1, 1998 for employees identified in subsection 1, paragraphs A  
25 to H; before January 1, 2000 for employees identified in subsection 1, paragraphs  
26 I to K; before January 1, 2002 for employees identified in subsection 1,  
27 paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1,  
28 paragraph M; and before July 1, 2018 for employees identified in subsection 1,  
29 paragraph N or purchased by repayment of an earlier refund of accumulated  
30 contributions for service before July 1, 1998, for employees identified in  
31 subsection 1, paragraphs A to H; before January 1, 2000 for employees identified  
32 in subsection 1, paragraphs I to K; before January 1, 2002 for employees  
33 identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees  
34 identified in subsection 1, paragraph M; and before July 1, 2018 for employees  
35 identified in subsection 1, paragraph N in a capacity or capacities specified in  
36 subsection 1 or purchased by other than the repayment of a refund and eligibility  
37 to make the purchase of the service credit, including, but not limited to, service  
38 credit for military service, was achieved before July 1, 1998 for employees  
39 identified in subsection 1, paragraphs A to H; before January 1, 2000 for  
40 employees identified in subsection 1, paragraphs I to K; before January 1, 2002  
41 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for  
42 employees identified in subsection 1, paragraph M; and before July 1, 2018 for  
43 employees identified in subsection 1, paragraph N, must be computed under  
44 section 17852, subsection 1, paragraph A. If the member is qualified under  
45 subsection 2, paragraph B and:

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

4 (b) Had fewer than 10 years of creditable service on July 1, 1993, the  
5 amount of the segment or segments must be reduced as provided in section  
6 17852, subsection 3-A; and

7 (2) The segment that reflects creditable service earned after June 30, 1998 and  
8 before September 1, 2002 for employees identified in subsection 1, paragraphs A  
9 and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C  
10 to H; after December 31, 1999 for employees identified in subsection 1,  
11 paragraphs I to K; after December 31, 2001 for employees identified in  
12 subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in  
13 subsection 1, paragraph M; and after June 30, 2018 for employees identified in  
14 subsection 1, paragraph N or purchased by repayment of an earlier refund of  
15 accumulated contributions for service after June 30, 1998 and before September  
16 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June  
17 30, 1998 for employees identified in subsection 1, paragraphs C to H; after  
18 December 31, 1999 for employees identified in subsection 1, paragraphs I to K;  
19 after December 31, 2001 for employees identified in subsection 1, paragraph L;  
20 ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M;  
21 and after June 30, 2018 for employees identified in subsection 1, paragraph N in  
22 any one or a combination of the capacities specified in subsection 1, or purchased  
23 by other than the repayment of a refund and eligibility to make the purchase of  
24 the service credit, including, but not limited to, service credit for military service,  
25 was achieved after June 30, 1998 and before September 1, 2002 for employees  
26 identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees  
27 identified in subsection 1, paragraphs C to H; after December 31, 1999 for  
28 employees identified in subsection 1, paragraphs I to K; after December 31, 2001  
29 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for  
30 employees identified in subsection 1, paragraph M; and after June 30, 2018 for  
31 employees identified in subsection 1, paragraph N must be computed under  
32 section 17852, subsection 1, paragraph A. If the member is qualified under  
33 subsection 2, paragraph B and:

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

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

41 **Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 2007, c. 491, §157, is  
42 further amended to read:

43 **5. Contributions.** Notwithstanding any other provision of subchapter 3, after June  
44 30, 1998 and before September 1, 2002 for employees identified in subsection 1,

1 paragraphs A and B; after June 30, 1998 for employees identified in subsection 1,  
2 paragraphs C to H; after December 31, 1999 for employees identified in subsection 1,  
3 paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,  
4 paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph  
5 M; and after June 30, 2018 for employees identified in subsection 1, paragraph N, a  
6 member in the capacities specified in subsection 1 must contribute to the State Employee  
7 and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65%  
8 of earnable compensation until the member has completed 25 years of creditable service  
9 as provided in this section and at the rate of 7.65% thereafter.

10 **Sec. 9. Transition.** If a detective in the employment of the office of investigations  
11 within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1,  
12 2018 elects to participate in the 1998 Special Plan of the Maine Public Employees  
13 Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A,  
14 subsection 1, that detective must make that election not later than 180 days after the  
15 effective date of this Act.

16 **SUMMARY**

17 This bill allows detectives in the office of investigations within the Department of the  
18 Secretary of State, Bureau of Motor Vehicles to elect to participate in the 1998 Special  
19 Plan of the Maine Public Employees Retirement System. Under that plan, a person may  
20 retire at 55 years of age with 10 years of creditable service, or may retire before 55 years  
21 of age with 25 years of creditable service and at a reduced benefit.