



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1218

S.P. 507

In Senate, March 20, 2025

**An Act to Allow Certain County Commissioners Who Are Maine
Public Employees Retirement System Members to Switch to the
Legislative Retirement Program**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Senators: CYRWAY of Kennebec, MARTIN of Oxford, Representatives:
BABIN of Fort Fairfield, MORRIS of Turner, PERKINS of Dover-Foxcroft, WADSWORTH
of Hiram.

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

2 **Sec. 1. 3 MRSA §801, sub-§1**, as amended by PL 2007, c. 491, §18, is further
3 amended to read:

4 **1. Membership mandatory.** Every Legislator serving in the Legislature on or after
5 December 3, 1986 is a member of the Legislative Retirement Program, except that any
6 Legislator who was a member of the Maine State Retirement System on December 2, 1986
7 may choose to be a member of the State Employee and Teacher Retirement Program instead
8 of becoming a member of the Legislative Retirement Program, and any Legislator who is
9 a public school teacher or an employee of the Maine Community College System on leave
10 of absence for the purpose of serving in the Legislature continues to be a member of the
11 State Employee and Teacher Retirement Program and to have contributions deducted from
12 the member's legislative earnable compensation as provided by Title 5, section 17701. A
13 Legislator who terminates employment from a position requiring membership in the State
14 Employee and Teacher Retirement Program no longer contributes to the State Employee
15 and Teacher Retirement Program and, if qualified, is eligible to become a benefit recipient
16 under Title 5, section 17804. Upon such termination, the Legislator becomes a member of
17 the Legislative Retirement Program. Except as provided in section 802, subsection 4,
18 paragraph A, creditable service granted under the State Employee and Teacher Retirement
19 Program may not be transferred to the Legislative Retirement Program. A member ceases
20 to be a member when the member withdraws the member's contributions, becomes a
21 beneficiary as a result of the member's own retirement or dies. A county commissioner may
22 become a member of the Legislative Retirement Program pursuant to subsection 1-B.

23 **Sec. 2. 3 MRSA §801, sub-§1-B** is enacted to read:

24 **1-B. County commissioners who previously served in Legislature.** A county
25 commissioner under Title 30-A, chapter 1 who is a member of the Maine Public Employees
26 Retirement System and is contributing to a defined benefit plan under Title 5, chapter 421,
27 has previously served in the Legislature and is eligible to participate in the Legislative
28 Retirement Program may become a member of the Legislative Retirement Program by
29 submitting a written election to the Maine Public Employees Retirement System within 90
30 days of the effective date of this subsection or assuming office as a county commissioner,
31 whichever is later. If a county commissioner elects to participate in the Legislative
32 Retirement Program under this subsection:

33 A. All previously accrued contributions of the county commissioner to the Maine
34 Public Employees Retirement System as a county commissioner must be transferred to
35 the Legislative Retirement Program;

36 B. All future contributions of the county commissioner must be directed to the
37 Legislative Retirement Program; and

38 C. The county commissioner is subject to all the provisions of this chapter, including
39 benefit calculations and vesting requirements under subchapter 5.

40 **Sec. 3. 3 MRSA §802, sub-§4-A** is enacted to read:

41 **4-A. County commissioner service.** All service as a county commissioner of a county
42 commissioner who makes an election to participate in the Legislative Retirement Program
43 under section 801, subsection 1-B must be allowed as creditable service.

1 **Sec. 4. 5 MRSA §17063** is enacted to read:

2 **§17063. County commissioners**

3 Funds held by the retirement system to the credit of a member who is a county
4 commissioner who makes an election under Title 3, section 801, subsection 1-B must be
5 transferred to the Legislative Retirement Program under Title 3, chapter 29. Upon the
6 election under Title 3, section 801, subsection 1-B, benefits of the county commissioner
7 under this chapter no longer accrue, but the county commissioner retains any benefit that
8 has accrued that has not been transferred under this section.

9 **Sec. 5. Board of Trustees of Maine Public Employees Retirement System**
10 **to adopt rules.** The Board of Trustees of the Maine Public Employees Retirement System
11 shall adopt rules to carry out this Act, including:

- 12 1. Establishing the process for making an election under the Maine Revised Statutes,
13 Title 3, section 801, subsection 1-B;
- 14 2. Transferring accrued contributions from the Maine Public Employees Retirement
15 System to the Legislative Retirement Program under the Maine Revised Statutes, Title 5,
16 section 17063;
- 17 3. Coordinating with the counties to ensure compliance with this Act;
- 18 4. Providing guidance to a county commissioner on the financial and legal implications
19 of making an election under the Maine Revised Statutes, Title 3, section 801, subsection
20 1-B; and
- 21 5. Ensuring that past service as a county commissioner is properly credited to the
22 Legislative Retirement Program for a county commissioner under the Maine Revised
23 Statutes, Title 3, section 802, subsection 4-A.

24 **SUMMARY**

25 This bill provides that a county commissioner who is a member of the Maine Public
26 Employees Retirement System and is contributing to a defined benefit plan, has previously
27 served in the Legislature and is eligible to participate in the Legislative Retirement Program
28 may become a member of the Legislative Retirement Program by submitting a written
29 election to the Maine Public Employees Retirement System. Upon making the election, the
30 past contributions of the county commissioner are transferred to the Legislative Retirement
31 Program and service as a county commissioner is counted by the program as creditable
32 service.