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Date: (Filing No. S- )

**LABOR AND HOUSING**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**131ST LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 134, L.D. 313, “An Act to Ensure Consistency in Retirement Plans for Certain Law Enforcement Officers”

Amend the bill by striking out the title and substituting the following:

**'An Act to Allow Game Wardens to Transfer Retirement Service, Allow Certain Employees of Participating Local Districts to Purchase Service Credit and Allow Transfer of Membership from the State Employee Retirement Plan to Another Plan'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 5 MRSA §17656, sub-§1**, as amended by PL 2007, c. 542, §§1 and 2, is further amended to read:

**1. Reemployment with new employer.** Membership of a member who is reemployed with a new employer, or who transfers from one state employee plan to another state employee plan, is governed as follows:

A. Any member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program whose service is terminated as a state employee, teacher or participating local district employee and who becomes employed as a state employee, teacher or participating local district employee with a new employer or who transfers from one state employee plan to another state employee plan shall, if the member has not previously withdrawn the member's accumulated contributions:

(1) Have the membership transferred to the member's account with the new employer or new plan; and

(2) Be entitled to all benefits that:

(a) Are based on creditable service and earnable compensation with the previous employer or previous plan and the provisions of this Part in effect with respect to the previous employer or previous plan at the date of termination of service by the member; and

**COMMITTEE AMENDMENT**

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(b) Do not require additional contributions by the new employer.

B. The new employer or new plan may elect to include the creditable service and earnable compensation of the member with the previous employer with the creditable service and earnable compensation with the new employer. If that election is made, the new employer shall make, from time to time, whatever contributions are necessary to provide the benefits under the applicable retirement program for the member as have accrued to the member by reason of the member's previous employment and as may accrue to the member by reason of the member's new employment.

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph D, all funds in the applicable retirement program contributed by the member's former employer or under the previous plan on account of the member's previous employment must be transferred to the account of the new employer or new plan and must be used to liquidate the liability incurred by reason of the previous employment.

D. Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a game warden, a law enforcement officer as defined in Title 25, section 2801-A, subsection 5; or a state firefighter, whose previous membership was based upon employment as a municipal firefighter as defined in section 286-M, a game warden, a law enforcement officer or a state firefighter, or their employer, may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan, including a transfer from one state employee plan to a different state employee plan. For members moving from one state employee plan to another state employee plan, no separation of service or reemployment is necessary. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H. For purposes of this paragraph, "game warden" means a person appointed by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 10351, subsection 1.

**Sec. 2. Former participating local district employee may purchase service credit.** A former employee of a local district who was not permitted to become a member of the Participating Local District Retirement Program when the local district resumed participation in the program under the Maine Revised Statutes, Title 5, section 18254-A because the former employee previously elected not to maintain membership when the local district withdrew from participation and who has become a member as an employee of another local district may purchase the service credit under Title 5, section 18252-A, subsection 1, paragraph E and Title 5, section 18254, subsection 1 if the employee is still employed by the local district. The purchase of service credit under this section must be completed by December 31, 2023.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

# COMMITTEE AMENDMENT

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**SUMMARY**

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft, and changes the title. The amendment allows a game warden who has accumulated retirement benefits under the Maine Public Employees Retirement System while working in law enforcement positions covered under different retirement plans to have that service time accumulated when a game warden transfers to a different law enforcement position.

The amendment allows a former employee of a local district to purchase retirement service credit if the employee is still employed by the local district and had previously elected not to maintain membership within the local district’s retirement plan.

The amendment also allows the transfer of membership from one state employee retirement plan to another.

**FISCAL NOTE REQUIRED**  
**(See attached)**