§17103. Duties of the board of trustees

In addition to other duties set out in this Part, the board shall have the following duties. [PL 1985, c. 801, §§5, 7 (NEW).]

1. Operation of retirement system. The board shall have responsibility for the proper operation of the retirement system and for making this Part effective.
[PL 1985, c. 801, §§5, 7 (NEW).]

2. Policy-making and supervision. The board shall formulate policies and exercise general supervision under this Part.
[PL 1985, c. 801, §§5, 7 (NEW).]

3. Meeting. The board shall meet as it determines necessary for the transaction of such business as may properly come before it.
[PL 2017, c. 88, §11 (AMD).]

4. Rules. Subject to the limitations of this Part, and subject to the requirements of chapter 375, subchapter II, to the extent those requirements are applicable, the board shall, from time to time, establish rules for the administration of the funds created by this Part and for the transaction of business, including rules establishing the requirements for a beneficiary to qualify as a full-time student.
[PL 1985, c. 801, §§5, 7 (NEW).]

5. Determination of employee. In all cases of doubt, the board shall determine whether any person is an employee.
[PL 1985, c. 801, §§5, 7 (NEW).]

6. Rights, credits, privileges and membership eligibility; decisions. The board shall in all cases make the final and determining administrative decision in all matters affecting the rights, credits and privileges of all members of all programs of the retirement system whether in participating local districts or in the state service. The board shall also in all cases make the final and determining administrative decision on membership eligibility based on employee membership elections as reported by the employer pursuant to section 17054-A, the applicable retirement system laws and rules and the requirements of the Internal Revenue Code and United States Treasury regulations applicable to governmental qualified defined benefit plans. The board otherwise has no jurisdiction to hear a matter or make an administrative decision regarding a claim of an employee of a local plan for which membership is optional pursuant to section 18252, if that claim applies to a time when the employee was not a member of the retirement system.

Whenever the board finds that, because of an error or omission on the part of the employer of a member or retired member, a member or retired member is required to make a payment or payments to the retirement system, the board may waive payment of all or part of the amount due from the member or retired member. In these instances of recovery of overpayments from members of the retirement system, the retirement system is governed by section 17054, subsection 3.
[PL 2021, c. 548, §10 (AMD).]

6-A. Communication between the board and members of the retirement system. Communications between the board and members of the retirement system are governed by this subsection.

A. The board shall make all members aware of the requirements in law or rule and any changes to these requirements governing retirees, disability benefits and any other benefits provided by the retirement system. All retirement information provided to retirement system members must be provided by highly competent individuals well-trained and knowledgeable about the benefits and requirements of the retirement system in both law and rules, including requirements to qualify for disability retirement, and including information provided by individuals representing participating

local districts to members. The board shall provide applicants for retirement or disability status with materials summarizing the most significant requirements and restrictions in state laws and rules to include, at a minimum, retirement benefits, postretirement employment and responsibilities of retirees. These materials must be clearly written in simple and understandable terms. [PL 2009, c. 322, §3 (NEW).]

B. In the event that a member requests to retire before normal retirement age, it is the primary responsibility of the retirement system to ensure through all feasible means that the member is informed of all the restrictions related to early retirement. [PL 2009, c. 322, §3 (NEW).]

[PL 2009, c. 322, §3 (NEW).]

7. Administrative and financial decisions. The board shall make the final decision on all matters pertaining to administration, actuarial assumptions, actuarial recommendations and the reserves and the investments of the retirement system and direct cash receipts as it considers appropriate, notwithstanding section 131. Notwithstanding any other provision of law, the board, as the employer of the staff of the retirement system and as the executive body, shall establish policies and make decisions on matters pertaining to the administration and operations of the Maine Public Employees Retirement System as an independent agency, including, but not limited to, personnel and payroll, accounting and financial matters, acquisition and disposition of capital assets and data processing. The board may delegate these duties and responsibilities as it considers appropriate. Board policies regarding the operation of its administrative offices must be consistent with applicable state and federal health and safety requirements.

A. If the decision is related to or results in rules, rules must be adopted as provided in subsection 4. [PL 1993, c. 410, Pt. L, §18 (AMD).]

B. If the decision determines the rights, credits or privileges of an individual member or group of members, the determination is considered an adjudicatory proceeding under chapter 375, subchapter 4 and may be made only after the giving of notice as required in that subchapter and after hearing if a hearing is requested by a person whose rights, credits or privileges are to be determined. A hearing must be conducted in accordance with chapter 375. [PL 2007, c. 249, §10 (AMD).]

[PL 2007, c. 58, §3 (REV); PL 2007, c. 249, §10 (AMD).]

8. Chief executive officer. The board shall appoint a chief executive officer, whose salary must be set by the board subject to the requirements of Title 2, section 6-D.

[PL 2021, c. 548, §11 (AMD).]

9. Review of statutory amendments. The board shall review all amendments to this Part that are proposed to be enacted by the Legislature and shall report to the proper legislative committee or authority on the impact of each of those amendments on the retirement system.

A. The report shall state the impact of each amendment on all aspects of the retirement system, including the amendment's purposes, the resulting equitable or inequitable treatment of members, the funding of the costs of benefits, the amendment's consistency with other provisions of this Part and the value of the amendment to the retirement system. [PL 1985, c. 801, §§5, 7 (NEW).]

B. When determined necessary by the retirement system or directed by the legislative committee or a member of that committee, the report on each amendment must include a separate evaluation by the actuary. [PL 1993, c. 595, §4 (AMD).]

[PL 1993, c. 595, §4 (AMD).]

10. Review of special resolves. The board shall review, in the manner described in subsection 9, all special resolves or other legislation which propose to grant benefits to be paid to any person by the retirement system and to which the person would not be entitled under the provisions of this Part but for the enactment of the special resolve or other legislation.

[PL 1985, c. 801, §§5, 7 (NEW).]

11. Report to Legislature. The board shall make a written report to the appropriate legislative committee on or before March 1st of each year that must contain:

A. A discussion of any areas of policy or administration that, in the opinion of the board, should be brought to the attention of the committee; [PL 1997, c. 651, §3 (AMD).]

B. Any proposed legislation amending the retirement system law that the board recommends to improve the retirement system. The joint standing committee of the Legislature having jurisdiction over public employee retirement matters may submit legislation required to implement recommendations made pursuant to this paragraph; [PL 2017, c. 88, §12 (AMD).]

C. [PL 2015, c. 385, §4 (RP).]

D. A review of the operations of the retirement system, including a summary of administrative expenses and improvements in the delivery of services to members of the retirement system; [PL 2009, c. 322, §4 (AMD).]

E. A budget report showing the budget status of the administrative operations and functions of the system for the current fiscal year relative to the budget for the current fiscal year; [PL 2009, c. 322, §4 (AMD).]

F. The number of individuals who retired in the previous calendar year categorized by plan status; [PL 2009, c. 322, §4 (NEW).]

G. The number of new active members of the retirement system who became members during the previous year, by plan status; [PL 2009, c. 322, §4 (NEW).]

H. The amount of earnings on investment in the previous calendar year; [PL 2009, c. 322, §4 (NEW).]

I. The total amount of employee and employer contributions to the retirement system in the previous calendar year and the total amount of payout to retirees, categorized by plan status; [PL 2021, c. 548, §12 (AMD).]

J. The number of persons who applied for disability retirement during the previous calendar year including:

(1) The number of applicants for disability retirement who were awarded benefits at the application stage;

(3) The number of applicants for disability retirement who appealed decisions that denied disability retirement status; and

(4) The number of applicants who were granted disability retirement following their appeals; and [PL 2021, c. 548, §§13-15 (AMD).]

K. Data from a survey of members and employees that measures the level of satisfaction and experience that members and employees have with the retirement system. For the purposes of this paragraph, "employee" means an employee of the retirement system. [PL 2021, c. 548, §16 (NEW).]

[PL 2021, c. 548, §§12-16 (AMD).]

12. Defined contribution, deferred compensation and tax sheltered annuity plans. The board shall establish one or more defined contribution, deferred compensation or tax sheltered annuity plans consistent with the applicable requirements of the Internal Revenue Code and may, with employer agreement, offer participation in such plans to employees eligible for membership in a retirement program of the retirement system and to employees of the Maine Retirement Savings Board.

[PL 2023, c. 167, §15 (AMD).]

13. Budget. By June 15th, annually, the board shall adopt an operating budget for the subsequent fiscal year.
[PL 2017, c. 88, §13 (RPR).]

14. Collective bargaining agreements.
[PL 2015, c. 385, §5 (RP).]

SECTION HISTORY

PL 1985, c. 801, §§5, 7 (NEW). PL 1987, c. 247, §§5,6 (AMD). PL 1989, c. 483, §§A27-30,A63 (AMD). PL 1989, c. 677, §§1,3 (AMD). PL 1993, c. 387, §A4 (AMD). PL 1993, c. 410, §§L18-22 (AMD). PL 1993, c. 595, §4 (AMD). PL 1997, c. 651, §3 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 249, §10 (AMD). PL 2007, c. 491, §77 (AMD). PL 2009, c. 322, §§2-4 (AMD). PL 2015, c. 384, §1 (AMD). PL 2015, c. 385, §§4, 5 (AMD). PL 2017, c. 88, §§11-13 (AMD). PL 2021, c. 548, §§10-17 (AMD). PL 2023, c. 167, §15 (AMD).

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