

CHAPTER 423

STATE EMPLOYEES AND TEACHERS

SUBCHAPTER 1

GENERAL PROVISIONS

§17601. Information from departments

1. State employees. The head of each department shall submit to the board, on behalf of the employee:

A. A statement showing the name, title, compensation, sex, date of birth and length of service of each member of the State Employee and Teacher Retirement Program in that department and any other information required to administer this Part in the format specified by the chief executive officer; and [PL 2007, c. 491, §92 (AMD); PL 2021, c. 548, §45 (REV).]

B. A statement giving whatever information regarding other employees in that department the board may require. [PL 1985, c. 801, §§ 5, 7 (NEW).]
[PL 2007, c. 491, §92 (AMD); PL 2021, c. 548, §45 (REV).]

2. Teachers. Each superintendent or chief administrator of a public school shall submit the information set out in subsection 1 to the board for all teachers, except substitute teachers who elect not to become members of the retirement system pursuant to section 17652, subsection 6.
[PL 2007, c. 305, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 305, §1 (AMD). PL 2007, c. 491, §92 (AMD). PL 2021, c. 548, §45 (REV).

§17602. Name, establishment and purpose

There is established the State Employee and Teacher Retirement Program as a governmental qualified defined benefit plan pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code and such other provisions of the Internal Revenue Code and United States Treasury regulations and other guidance as are applicable, which has the powers and privileges of a corporation. [PL 2009, c. 474, §13 (AMD).]

The purpose of the State Employee and Teacher Retirement Program is to provide retirement allowances and other benefits under this chapter for state employees and teachers. [PL 2007, c. 491, §93 (NEW).]

SECTION HISTORY

PL 2007, c. 491, §93 (NEW). PL 2009, c. 474, §13 (AMD).

§17603. Internal Revenue Code qualified plan compliance

The State Employee and Teacher Retirement Program established in this chapter is subject to the following requirements. [PL 2009, c. 474, §14 (NEW).]

1. Vesting. In compliance with the Code, Section 401(a)(7), a member is 100% vested in the member's contribution account at all times.
[PL 2009, c. 474, §14 (NEW).]

2. Use of forfeitures of benefits. In compliance with the Code, Section 401(a)(8), any forfeitures of benefits by members or former members may not be used to pay benefit increases, but must be used to reduce unfunded liabilities.

[PL 2009, c. 474, §14 (NEW).]

3. Benefits. In compliance with the Code, Section 401(a)(9), benefits must be paid in accordance with a good faith interpretation of the requirements of the Code, Section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of the Code, Section 414(d).

[PL 2009, c. 474, §14 (NEW).]

4. Application of annual compensation limits. In compliance with the Code, Section 401(a)(17), applicable annual compensation limits must be applied for purposes of determining benefits or contributions due to the retirement system.

[PL 2009, c. 474, §14 (NEW).]

5. Rollovers. In compliance with the Code, Section 401(a)(31), a member may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover.

[PL 2009, c. 474, §14 (NEW).]

6. Qualified military service. Effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service are governed by the Code, Section 414(u) and the federal Uniformed Services Employment and Reemployment Rights Act of 1994 and, effective January 1, 2007, the Code, Section 401(a)(37).

[PL 2009, c. 474, §14 (NEW).]

7. Additional requirements. In compliance with the Code, Section 415, the member contributions paid to and retirement benefits paid from the State Employee and Teacher Retirement Program must be limited to the extent necessary to conform to the requirements of the Code, Section 415 for a qualified pension plan.

[PL 2009, c. 474, §14 (NEW).]

8. Compliance with Section 503(b). Effective July 1, 1989, the board may not engage in a transaction prohibited by the Code, Section 503(b).

[PL 2009, c. 474, §14 (NEW).]

9. Rules. The board shall adopt rules necessary to maintain the qualified pension plan tax status of the State Employee and Teacher Retirement Program under the Internal Revenue Code as required for governmental defined benefit plans defined in the Code, Section 414(d). Rules adopted under this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2009, c. 474, §14 (NEW).]

SECTION HISTORY

PL 2009, c. 474, §14 (NEW).

SUBCHAPTER 2

MEMBERSHIP

§17651. Mandatory membership

All state employees and teachers become members of the State Employee and Teacher Retirement Program as a condition of their employment. [PL 2007, c. 491, §94 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 491, §94 (AMD).

§17652. Optional membership

1. Elected and appointed officials. Membership in the State Employee and Teacher Retirement Program is optional for elected officials or officials appointed for a fixed term. A person must make an election at the time of initial hire whether to be a member of the program. Once an election is made under this subsection, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

[PL 2011, c. 449, §3 (AMD).]

2. Delayed election of membership.

[PL 2009, c. 474, §15 (RP).]

2-A. Reentry.

[PL 2009, c. 474, §15 (RP).]

3. Certain employees of the Maine Community College System. Notwithstanding section 17651, membership in the State Employee and Teacher Retirement Program is optional for employees of the Maine Community College System who are eligible to participate in a retirement plan pursuant to Title 20-A, section 12722. A person must make an election at the time of initial hire whether to be a member of the program. Once an election is made under this subsection, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

[PL 2011, c. 449, §4 (AMD).]

4. Limitation on election to join State Employee and Teacher Retirement Program. Notwithstanding any other law, confidential employees of the Maine Community College System who are not represented in a collective bargaining unit may join the State Employee and Teacher Retirement Program under this section only upon the written authorization of the Board of Trustees of the Maine Community College System. The board of trustees shall authorize the person to join the State Employee and Teacher Retirement Program when the Maine Community College System Office or other Maine Community College System entity that employs the individual seeking to join has identified and designated the funds necessary to pay for the cost of that person's joining the program. A person must make an election at the time of initial hire whether to be a member of the program. Once an election is made under this subsection, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

[PL 2011, c. 449, §5 (AMD).]

REVISOR'S NOTE: (Subsection 4 as enacted by PL 2003, c. 404, §1 is REALLOCATED TO T.5, §17652, sub-§5)

5. (REALLOCATED FROM T. 5, §17652, sub-§4) Certain members of the Maine National Guard. A member of the Maine National Guard who is not governed by section 17651 and who is on active state service for more than 5 consecutive days pursuant to Title 37-B may elect to be a member of the State Employee and Teacher Retirement Program. A member of the Maine National Guard on active state service pursuant to Title 37-B who does not elect to participate in the State Employee and Teacher Retirement Program or is not eligible to participate in the State Employee and Teacher Retirement Program shall participate in the United States Social Security System. Once a member of the Maine National Guard makes an election under this subsection, that election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory. A member of the Maine National Guard on active state service pursuant to Title 37-B may participate in the tax-deferred arrangement of chapter 67.

[PL 2009, c. 474, §15 (AMD).]

6. Substitute teachers. Notwithstanding section 17651, membership in the State Employee and Teacher Retirement Program is optional for substitute teachers. A person must make an election at the time of initial hire whether to be a member of the program. Once an election is made under this subsection, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

[PL 2011, c. 449, §6 (AMD).]

REVISOR'S NOTE: (REALLOCATED TO T.5, §17652, sub-§5) 4. Certain members of the Maine National Guard. [RR 2003, c. 1, §4 (RAL).]; [PL 2003, c. 404, §1 (NEW)]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§9,48 (AMD). PL 1995, c. 180, §1 (AMD). PL 1997, c. 763, §3 (AMD). PL 1997, c. 763, §7 (AFF). RR 2003, c. 1, §4 (COR). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 261, §§1-4 (AMD). PL 2003, c. 404, §1 (AMD). PL 2003, c. 583, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 305, §§2, 3 (AMD). PL 2007, c. 491, §95 (AMD). PL 2009, c. 474, §15 (AMD). PL 2011, c. 449, §§3-6 (AMD).

§17653. Denial of membership rights

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, 619, §18)

1. Board of trustees. The board may deny membership to any class of employees whose compensation is set on any basis other than a per annum basis and that is not required by 26 CFR Part 31 to be covered by a public employee retirement system or the United States Social Security System. [PL 1991, c. 619, §6 (RPR); PL 1991, c. 619, §18 (AFF).]

2. Maine Community College System. The Maine Community College System may deny membership to adjunct faculty members and part-time, seasonal or temporary employees. [PL 1991, c. 619, §6 (RPR); PL 1991, c. 619, §18 (AFF); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 801, §§5, 7 (NEW). PL 1991, c. 619, §6 (RPR). PL 1991, c. 619, §18 (AFF). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§17653. Denial of membership rights

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See PL 1991, c. 619, §18)

The board may, in its discretion, deny the right to become a member to: [PL 1985, c. 801, §§5, 7 (NEW).]

1. Compensation partly paid by State. Any class of employees, except teachers, whose compensation is only partly paid by the State; or [PL 1985, c. 801, §§5, 7 (NEW).]

2. Other than per annum payment. Any class of employees who are serving on a temporary basis or whose compensation is set on any basis other than a per annum basis. [PL 1985, c. 801, §§5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5, 7 (NEW). PL 1991, c. 619, §6 (RPR). PL 1991, c. 619, §18 (AFF). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§17654. Cessation of membership

A member ceases to be a member of the State Employee and Teacher Retirement Program if the member: [PL 2007, c. 491, §96 (AMD).]

1. Withdrawal. Withdraws accumulated contributions; [PL 1987, c. 739, §§10, 48 (AMD).]

2. Beneficiary. Becomes a beneficiary as a result of the member's own retirement; or [PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Death. Dies. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§10,48 (AMD). PL 2007, c. 491, §96 (AMD).

§17655. Service in the Armed Forces

1. Membership continued. The membership of the following employees is considered to have continued during the period of the employee's service in the Armed Forces of the United States:

A. Any employee entering a class of service in the Armed Forces of the United States approved by resolution of the board, if the employee does not withdraw accumulated contributions; [PL 1991, c. 479, §1 (AMD).]

B. Any employee who enlists in or is inducted or drafted into the service of the Armed Forces of the United States; [PL 2001, c. 181, §6 (AMD).]

C. Any employee who enlists in or is inducted or drafted into the service of the Armed Forces of the United States while the United States Selective Service Act of 1948, Public Law 759, or any of its amendments or extensions is in effect. [PL 1991, c. 479, §1 (NEW).]
[PL 2001, c. 181, §6 (AMD).]

2. Other military benefits. Any employee who satisfies the criteria of subsection 1, paragraph B, is entitled to all the benefits of Title 26, section 811. [PL 2001, c. 662, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 402, §§A70,A71 (AMD). PL 1987, c. 739, §§11,48 (AMD). PL 1991, c. 479, §1 (AMD). PL 2001, c. 181, §6 (AMD). PL 2001, c. 662, §5 (AMD).

§17656. Employment changes affecting membership

1. Reemployment with new employer. Membership of a member who is reemployed with a new employer 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 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; and

(2) Be entitled to all benefits that:

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

(b) Do not require additional contributions by the new employer. [PL 2007, c. 491, §97 (AMD).]

B. The new employer 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. [PL 2007, c. 491, §97 (AMD).]

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 on account of the member's previous employment must be transferred to the account of the new employer and must be used to liquidate the liability incurred by reason of the previous employment. [PL 2007, c. 542, §1 (AMD).]

D. Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is 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 law enforcement officer or a state firefighter 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. 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. [PL 2007, c. 542, §2 (AMD).]
[PL 2007, c. 542, §§1, 2 (AMD).]

2. Reemployment of public safety communications dispatchers with Department of Public Safety. Notwithstanding subsection 1, a member of the State Employee and Teacher Retirement Program whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee if that member:

A. Makes a one-time, irrevocable election no later than 30 days after commencing employment as a public safety communications dispatcher for the Department of Public Safety; and [PL 2005, c. 668, §1 (NEW).]

B. Has not previously withdrawn all of the member's accumulated contributions. [PL 2005, c. 668, §1 (NEW).]

If a member makes the election provided in this subsection, the State shall make whatever contribution is necessary to provide the benefits under the State Employee and Teacher Retirement Program for the member as though the previous employment had been as a state employee, and all funds in the Participating Local District Retirement Program contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the State and must be used to liquidate the liability incurred by reason of the previous employment.

Upon notification by the Department of Public Safety to the retirement system that an employee has made an election under this subsection, the retirement system shall calculate and provide to the Department of Public Safety the amount of the employer contribution required under this subsection.

A member who makes the election provided in this subsection and for whom applicable additional employer contributions have been paid is entitled to include the creditable service and earnable compensation with the previous employer with the creditable service and earnable compensation with the State for the purposes of benefit qualification under section 17851 and computation of benefits under section 17852.

[PL 2007, c. 491, §97 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 580, §4 (AMD). PL 2005, c. 636, §B1 (AMD). PL 2005, c. 668, §1 (AMD). PL 2007, c. 491, §97 (AMD). PL 2007, c. 542, §§1, 2 (AMD).

§17657. Federal employment

1. Membership in the State Employee and Teacher Retirement Program. The following persons are considered members of the State Employee and Teacher Retirement Program if they make payments to the Members' Contribution Fund in the same amounts and during the same periods as other state employees have made to that fund, either through direct contributions or pick-up contributions:

A. Any person who was an employee on December 31, 1941, and who was transferred to the federal employment service; and [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. Any person employed by the federal employment service after December 31, 1941, who subsequently became a state employee at or after the date on which the federal employment service was returned to the State as an operating unit. [PL 1985, c. 801, §§ 5, 7 (NEW).]

[PL 2007, c. 491, §98 (AMD).]

2. Amounts due. Any person described in subsection 1 may make up any amounts due to the Members' Contribution Fund.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Rights and benefits. Any person described in subsection 1 is entitled to all the rights and benefits which he could have accrued if he had been employed by the State.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§12,48 (AMD). PL 2007, c. 491, §98 (AMD).

§17658. Maine National Guard

1. Membership in the State Employee and Teacher Retirement Program. Any person who was an employee on December 31, 1941, and who later transferred to the Maine National Guard and was employed under the National Defense Act of June 3, 1916, section 90, is considered a member of the State Employee and Teacher Retirement Program if that person makes payments to the Members' Contribution Fund in the same amounts and during the same periods as other state employees have made to that fund, either through direct contributions or pick-up contributions.

[PL 2007, c. 491, §99 (AMD).]

2. Amounts due. Any person described in subsection 1 may make up any amounts due to the Members' Contribution Fund.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Rights and benefits. Any person described in subsection 1 is entitled to all the rights and benefits which he could have accrued if he had been employed by the State.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§13,48 (AMD). PL 2007, c. 491, §99 (AMD).

SUBCHAPTER 3**CONTRIBUTIONS****§17701. Member contributions**

Each member shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 6.5% of earnable compensation, except as otherwise provided in this Part. [PL 2007, c. 491, §100 (AMD).]

1. Employer pick-up. The contributions required to be made on behalf of a member under this section shall, after the effective date of this section, be picked up by the employer in lieu of contributions by the employee with a reduction of the member's salary consistent with section 17001, subsection 28-A.

[PL 1987, c. 739, §§14, 48 (NEW).]

2. No employee option. The employee may not choose to receive pick-up contribution amounts directly instead of having them paid by the employer to the State Employee and Teacher Retirement Program.

[PL 2007, c. 491, §101 (AMD).]

2-A. Optional members. If a person, whose membership in the State Employee and Teacher Retirement Program is optional under section 17652, elects a 5% salary increase in lieu of state payment of the retirement contribution, pursuant to Public Law 1981, chapter 453, and chooses to participate in the State Employee and Teacher Retirement Program, the State shall pick up the retirement contribution with a reduction of the member's salary consistent with section 17001, subsection 28-A.

[PL 2007, c. 491, §102 (AMD).]

3. Treatment of pick-up contributions. Pick-up contributions shall be treated as follows.

A. Pick-up contributions shall be treated as the employer's contribution in determining tax treatment under the United States Internal Revenue Code for federal tax purposes, pursuant to the United States Code, Title 26, Section 414(h)(2). [PL 1987, c. 739, §§14, 48 (NEW).]

B. For all other purposes, pick-up contributions shall be treated in the same manner and to the same extent as member contributions were treated before the effective date of this section. [PL 1987, c. 739, §§14, 48 (NEW).]

[PL 1987, c. 739, §§14, 48 (NEW).]

4. Payment of contributions for back time; repayment of refunds; purchase of service credit. Wherever under this chapter provision is made for payment of contributions for back time, repayment of refunds or purchase of service credit through annual direct payments, those payments may be made either by a single annual payment or by an increased rate of contribution through payroll deduction. For payments or repayments made by single annual payments, the board shall designate, by rule, a period of not less than 30 days during which annual direct payments or repayments may be made. Regardless of whether payment or repayment is made by a single annual payment or by payroll deduction, the payment or deduction must be sufficient to cover interest costs and effect some reduction in principal.

[PL 1999, c. 537, §1 (RPR); PL 1999, c. 537, §3 (AFF).]

5. Earnable compensation for certain members. The earnable compensation of a public school teacher or employee of the Maine Community College System who is on leave of absence for the purpose of serving as a Legislator is the total amount of earnable compensation upon which the teacher or employee makes member contributions as specified in and subject to the limitations of Title 3, section 801, subsection 1.

[PL 2001, c. 657, §3 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§14,48 (AMD). PL 1989, c. 710, §2 (AMD). PL 1999, c. 537, §1 (AMD). PL 1999, c. 537, §3 (AFF). PL 2001, c. 657, §3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§100-102 (AMD).

§17701-A. Member contributions; members hired after July 1, 1992

Notwithstanding section 17701, a member hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 7.5% of earnable compensation, except as otherwise provided in this Part. [PL 2007, c. 491, §103 (AMD).]

SECTION HISTORY

PL 1991, c. 780, §HHH1 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §103 (AMD).

§17701-B. Member contributions on and after July 1, 1993

Notwithstanding sections 17701 and 17701-A, on and after July 1, 1993 all members shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 7.65% of earnable compensation except as otherwise provided in this Part. [PL 2007, c. 491, §104 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §L28 (NEW). PL 2007, c. 491, §104 (AMD).

§17702. State payment of member share in lieu of member contribution

Notwithstanding any other provision in this Part, except as provided in subsection 5, the State may agree to provide for members, pursuant to law, through a collective bargaining contract, or as the Legislative Council may agree to provide for approved legislative employees, payment for a member's mandatory contribution to the State Employee and Teacher Retirement Program, as established by section 17701, instead of deducting the contribution from the member's compensation or having the contribution picked up by the employer. [PL 2007, c. 491, §105 (AMD).]

1. Retirement Allowance Fund. Payments made, whether through a collective bargaining contract or through Legislative Council action, shall be accumulated in the Retirement Allowance Fund. [PL 1985, c. 801, §§5, 7 (NEW).]

2. Manner of payment. Payments shall be made in the same manner and on the same basis as contributions deducted from the member's compensation or picked up by the employer under sections 17201, 17202 and 17203. [PL 1987, c. 739, §§16, 48 (AMD).]

3. Refundability. Contributions made by the State on behalf of a member under this section may not be refunded if the member withdraws from membership, terminates service or dies. [PL 1985, c. 801, §§5, 7 (NEW).]

4. Percentage rate. When the State pays for a member's mandatory contribution, as authorized by this section, the percentage rate paid by the State must be that rate, determined by the actuary and approved by the board, that provides the same net revenues to the State Employee and Teacher Retirement Program as the applicable mandatory rate paid by the member. [PL 2007, c. 491, §106 (AMD).]

5. Member contribution. Amounts paid by the State in lieu of the member contribution do not include the 1% that is paid by a member hired after July 1, 1992.

[PL 1991, c. 780, Pt. HHH, §3 (NEW).]

6. Member contributions on and after July 1, 1993. On and after July 1, 1993 all members whose contributions are paid by the State in lieu of the member contribution shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 1.15% of earnable compensation in addition to the amount paid by the State.

[PL 2007, c. 491, §107 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§15,16,48 (AMD). PL 1991, c. 780, §§HHH2,3 (AMD). PL 1991, c. 780, §HHH11 (AFF). PL 1993, c. 410, §L29 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§105-107 (AMD).

§17703. Former members

Any former member who withdrew his contributions after termination of service and who again becomes a member may repay his earlier contributions to the Members' Contribution Fund under the following conditions. [PL 1985, c. 801, §§5, 7 (NEW).]

1. Time. The repayment must be made before the date any retirement benefit becomes effective for the member.

[PL 2003, c. 630, Pt. B, §1 (AMD).]

1-A. Exception.

[PL 2003, c. 630, Pt. B, §2 (RP).]

2. Manner of repayment. The repayment must be made to the applicable retirement program by a single direct payment or by annual direct payments. Annual repayments must be made as provided in section 17701, subsection 4.

[PL 2007, c. 491, §108 (AMD).]

3. Amount of repayment. The amount of repayment must be equal to the accumulated contributions withdrawn by the person plus interest on the amount of those accumulated contributions, beginning on the date of withdrawal to the date the repayment or repayments are made, at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points.

[PL 1985, c. 801, §§5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 710, §3 (AMD). PL 1991, c. 325 (AMD). PL 1991, c. 580, §5 (AMD). PL 2003, c. 261, §5 (AMD). PL 2003, c. 630, §§B1,2 (AMD). PL 2007, c. 491, §108 (AMD).

§17704. Back contributions

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§17,48 (AMD). PL 1989, c. 710, §4 (AMD). PL 1995, c. 180, §2 (AMD). PL 2007, c. 491, §109 (AMD). PL 2009, c. 474, §16 (RP).

§17704-A. Back contributions; elected and appointed officials

(REPEALED)

SECTION HISTORY

PL 1995, c. 180, §3 (NEW). PL 2003, c. 261, §§6,7 (AMD). PL 2007, c. 305, §4 (AMD). PL 2007, c. 491, §§110, 111 (AMD). PL 2009, c. 474, §17 (RP).

§17704-B. Back contributions for certain days off without pay

1. Election. If the retirement system determines at the time a member retires that the member's benefit would be increased as a result of the inclusion of compensation that would have been paid for days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay in fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, or the loss of compensation from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to the novel coronavirus disease referred to as COVID-19, as provided in section 17001, subsection 4, paragraph A, the retirement system shall advise the member of that result and shall allow the member to elect to have that compensation included in the calculation of the member's benefit and to make payments set forth in subsection 2.

[PL 2021, c. 225, §2 (AMD).]

2. Payment. The amount that a member who makes the election permitted in subsection 1 must pay is the amount equal to the employee contribution that member would have made on compensation that would have been paid to that member on the days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay during fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, as provided in section 17001, subsection 4, paragraph A, plus interest at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points. Interest must be computed beginning at the end of the year when those contributions or pick-up contributions would have been made to the date of payment. For the loss of compensation from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to the novel coronavirus disease referred to as COVID-19, the member must pay an amount equal to the computed actuarial value. If the member elects to make the payment, the retirement system shall withhold the required amount from the member's first retirement benefit check.

[PL 2021, c. 225, §2 (AMD).]

3. Benefit calculation. If the member fails to make the election within 31 days of the notification provided under subsection 1, the retirement system shall calculate the member's retirement benefit without inclusion of the days off without pay and without inclusion of the compensation that otherwise would have been paid if the freezing of merit pay and longevity pay had not occurred during fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, or the loss of compensation from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to the novel coronavirus disease referred to as COVID-19, as provided in section 17001, subsection 4, paragraph A.

[PL 2021, c. 225, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 486, §4 (NEW). PL 2009, c. 213, Pt. SSS, §2 (AMD). PL 2009, c. 474, §18 (AMD). PL 2015, c. 267, Pt. CCCC, §1 (AMD). PL 2015, c. 385, §9 (AMD). PL 2021, c. 225, §2 (AMD).

§17704-C. Continued eligibility to purchase back time

A member whose membership date is prior to August 1, 2010 and who was eligible to purchase service credit under former section 17704 or 17704-A prior to August 1, 2010, retains eligibility to purchase that service credit under the conditions of those sections as in effect prior to repeal. [PL 2009, c. 474, §19 (NEW).]

SECTION HISTORY

PL 2009, c. 474, §19 (NEW).

§17705. Refund of accumulated contributions

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §6 (RPR). PL 1987, c. 739, §§18,48 (AMD). PL 1991, c. 619, §§7-9 (AMD). PL 1991, c. 619, §18 (AFF). PL 1993, c. 387, §§A8,9 (AMD). PL 1997, c. 651, §5 (AMD). PL 2003, c. 630, §B3 (AMD). PL 2007, c. 137, §10 (RP).

§17705-A. Refund of accumulated contributions

1. Conditions for refund. If the service of any member has terminated, except by death or by retirement under this Part, the member must be paid the amount of the member's accumulated contributions under the following conditions:

A. The member must have properly applied for a refund of accumulated contributions; [PL 2007, c. 137, §11 (NEW).]

B. Payment must be made after termination of service and not less than 22 days nor more than 60 days after receipt of the application and receipt of the last payroll upon which the name of the member appears; [PL 2007, c. 137, §11 (NEW).]

C. An application for refund is void if the member filing the application returns to membership in any retirement program administered by the retirement system before issuance of the payment; [PL 2007, c. 491, §112 (AMD).]

D. Except when inclusion of a portion of employer contributions is required by paragraph E, only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection; and [PL 2007, c. 137, §11 (NEW).]

E. The amount of the refund of accumulated contributions related to a member's compensation for service rendered as a part-time, seasonal or temporary employee after December 31, 1991 must be at least equal to 7.5% of the member's compensation for that service plus interest as provided by section 17156. [PL 2007, c. 137, §11 (NEW).]

[PL 2011, c. 449, §7 (AMD).]

SECTION HISTORY

PL 2007, c. 137, §11 (NEW). PL 2007, c. 491, §112 (AMD). PL 2011, c. 449, §7 (AMD).

§17706. Inactive accounts

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§19, 48 (AMD). PL 2007, c. 137, §12 (RP).

§17706-A. Inactive accounts

1. Conditions for refund. The retirement system may make an automatic refund of contributions to a member who has not properly applied for a refund as provided in section 17705-A and who has terminated service, except by death or by retirement under this Part, and who has not met the minimum creditable service requirement for eligibility to receive a service retirement benefit at the applicable age under the following conditions:

A. The member account has been inactive for 3 or more years; [PL 2007, c. 491, §113 (AMD).]

B. Except when inclusion of a portion of employer contributions is required by this subsection, only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection; [PL 2007, c. 137, §13 (NEW).]

C. The amount of the refund of accumulated contributions related to a member's compensation for service rendered as a part-time, seasonal or temporary employee after December 31, 1991 must be at least equal to 7.5% of the member's compensation for that service plus interest as provided by section 17156; and [PL 2007, c. 137, §13 (NEW).]

D. A member who receives an automatic refund under this subsection may, within 30 days of the issuance of the refund, return the full refunded amount to the retirement system. Upon receipt, the retirement system shall restore the accumulated contributions to the member's credit. [PL 2007, c. 137, §13 (NEW).]

Pursuant to the Code, Section 401(a)(31)(B), the amount of an automatic refund under this section for a member who has not reached the later of 62 years of age or normal retirement age may not exceed \$1,000.

[PL 2021, c. 548, §19 (AMD).]

SECTION HISTORY

PL 2007, c. 137, §13 (NEW). PL 2007, c. 491, §113 (AMD). PL 2009, c. 474, §20 (AMD). PL 2011, c. 449, §8 (AMD). PL 2021, c. 548, §19 (AMD).

§17707. CETA service

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

A. "CETA employee" means an employee enrolled in a program under the United States Comprehensive Employment and Training Act of 1973, as amended. [PL 1985, c. 801, §§5, 7 (NEW).]

B. "Employer" means the State or the participating local district with which the CETA employee is placed for training and employment. [PL 1985, c. 801, §§5, 7 (NEW).]

C. "Prime sponsor" means the CETA prime sponsor, a unit of government responsible for planning and operating all CETA programs within the geographic jurisdiction encompassed by that unit of government. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1985, c. 801, §§5, 7 (NEW).]

2. Eligibility for membership. CETA employees are considered eligible for membership in the State Employee and Teacher Retirement Program from the date of their enrollment in a CETA program, whether or not they become members.

[PL 2007, c. 491, §114 (AMD).]

3. Employer's contributions. Employer's contributions are governed as follows.

A. Notwithstanding this subchapter, subchapter 2 and chapter 421, subchapter 4, neither the State nor a participating local district is required to contribute to a retirement program of the Maine Public Employees Retirement System for CETA employees. [PL 2007, c. 491, §114 (AMD).]

B. If an employee elects, under section 17761, to purchase the employee's CETA time for past creditable service, the employee's CETA prime sponsor shall then pay to the applicable retirement program an amount equal to the employer's contribution, plus regular interest, for the employee's CETA time, using only CETA funds. [PL 2007, c. 491, §114 (AMD).]

[PL 2007, c. 491, §114 (AMD).]

4. Employee's contributions. Employee's contributions are governed as follows.

A. Notwithstanding section 17701, a CETA employee is not required to contribute to a retirement program of the Maine Public Employees Retirement System. [PL 2007, c. 491, §114 (AMD).]

B. A CETA employee may contribute during the employee's period of CETA employment or may defer contributions until the employee's post-CETA employment status is known. [PL 2007, c. 491, §114 (AMD).]

C. If an employee who has not contributed during the employee's CETA employment or who has withdrawn the employee's contributions later elects, under section 17761, to purchase the employee's CETA time for past creditable service, the employee shall pay to the applicable retirement program of the Maine Public Employees Retirement System an amount equal to the employee's contributions, plus interest, at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points. Interest must be computed beginning at the end of the year when those contributions or pick-up contributions would have been made to the date of payment. [PL 2009, c. 474, §21 (AMD).]

D. If an employee or member who has not contributed during that employee's or member's CETA employment or who has withdrawn that employee's or member's contributions later elects, under section 17761, subsection 3, to purchase that employee's or member's CETA time for past creditable service before any retirement benefit becomes effective for that member, that employee or member must pay into the Members' Contribution Fund, by a single direct payment or annual direct payments to the applicable retirement program of the Maine Public Employees Retirement System, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 17701, subsection 4. Additional amounts paid under this paragraph become a part of the employee's or member's accumulated contributions. If any retirement benefit becomes effective before the completion of the payment under this paragraph, the employee or member is entitled to service credit for a portion of the additional creditable service in the same proportion that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service. [PL 2007, c. 491, §114 (AMD).]

[PL 2009, c. 474, §21 (AMD).]

5. Return of contributions. Any CETA employee who contributed to a retirement program of the Maine Public Employees Retirement System during the member's CETA employment and who does not meet the requirements of section 17761, must be refunded the member's employee contributions, plus regular interest, upon request to the retirement system.

[PL 2007, c. 491, §114 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1999, c. 241, §1 (AMD). PL 2007, c. 491, §114 (AMD). PL 2009, c. 474, §21 (AMD).

§17707-A. Members in 1998 Special Plan; contributions after June 30, 1998

After June 30, 1998, members to whom one or more of sections 17708 to 17712-B apply and to whom section 17851-A, subsection 1 also applies must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made as provided in section 17851-A, subsection 5. [PL 2007, c. 491, §115 (AMD).]

SECTION HISTORY

PL 1997, c. 769, §1 (NEW). PL 2007, c. 491, §115 (AMD).

§17708. State police

1. Definition. As used in this section, unless the context otherwise indicates, the term "state police officer" means:

- A. A member of the State Police; [PL 1985, c. 801, §§5, 7 (NEW).]
- B. The Chief of the State Police; [PL 2001, c. 118, §2 (AMD).]
- C. A member of the State Police or Chief of the State Police who is appointed Commissioner of Public Safety; or [PL 2001, c. 118, §2 (AMD).]
- D. A special agent investigator in the Bureau of State Police who is hired before June 21, 1982. [PL 2001, c. 118, §3 (NEW).]
[PL 2001, c. 118, §§2, 3 (AMD).]

2. Before September 16, 1984. A state police officer who was first employed by that department after July 9, 1943, but before September 16, 1984, shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

- A. At a rate of 7.5% of earnable compensation until the state police officer has completed 20 years of creditable service, as required under section 17851, subsection 4, paragraph A; and [PL 1987, c. 739, §§20, 48 (AMD).]
- B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of employment as a state police officer. [PL 1987, c. 739, §§20, 48 (AMD).]
[PL 2007, c. 491, §116 (AMD).]

3. After September 15, 1984. A state police officer who was first employed by that department after September 15, 1984 shall contribute to the State Employee and Teacher Retirement Program as follows:

- A. At a rate of 7.5% of earnable compensation until the state police officer has completed 25 years of creditable service, as required under section 17851, subsection 4, paragraph B; and [PL 1997, c. 740, §2 (AMD); PL 1997, c. 740, §6 (AFF).]
- B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of employment as a state police officer. [PL 1997, c. 740, §2 (AMD); PL 1997, c. 740, §6 (AFF).]
[PL 2007, c. 491, §117 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§20,48 (AMD). PL 1997, c. 740, §§1,2 (AMD). PL 1997, c. 740, §6 (AFF). PL 2001, c. 118, §§2,3 (AMD). PL 2007, c. 491, §§116, 117 (AMD).

§17708-A. State Police; members hired after July 1, 1992

Notwithstanding section 17708, a state police officer hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in addition to the contribution required under section 17708. [PL 2007, c. 491, §118 (AMD).]

SECTION HISTORY

PL 1991, c. 780, §HHH4 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §118 (AMD).

§17708-B. State Police; contributions on and after July 1, 1993

Notwithstanding sections 17708 and 17708-A, on and after July 1, 1993 a state police officer shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made

at a rate of 1.15% of earnable compensation in addition to the contributions required under section 17708. [PL 2007, c. 491, §119 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §L30 (NEW). PL 2007, c. 491, §119 (AMD).

§17709. Inland Fisheries and Wildlife officers

1. Before September 1, 1984. A law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity before September 1, 1984 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the officer has completed 20 years of creditable service, as required under section 17851, subsection 5, paragraph A; and [PL 1995, c. 466, Pt. A, §1 (NEW).]

B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of the officer's employment in that capacity. [PL 1995, c. 466, Pt. A, §1 (NEW).]

[PL 2007, c. 491, §120 (AMD).]

2. After August 31, 1984; option. A law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 and who elects the retirement option provided in section 17851, subsection 5-A shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 5-A.

[PL 2007, c. 491, §120 (AMD).]

3. After August 31, 1984. Beginning September 1, 2002, a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer at a rate of 7.5% of earnable compensation until the law enforcement officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.

[PL 2007, c. 491, §120 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§21,48 (AMD). PL 1995, c. 466, §A1 (RPR). PL 2001, c. 559, §RR1 (AMD). PL 2001, c. 559, §RR17 (AFF). PL 2007, c. 491, §120 (AMD).

§17709-A. Inland fisheries and wildlife officers; members hired after July 1, 1992

Notwithstanding section 17709, a law enforcement officer in the Department of Inland Fisheries and Wildlife hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in addition to the contribution required under section 17709. [PL 2007, c. 491, §121 (AMD).]

SECTION HISTORY

PL 1991, c. 780, §HHH5 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §121 (AMD).

§17709-B. Inland fisheries and wildlife officers; contributions on and after July 1, 1993

Notwithstanding sections 17709 and 17709-A, on and after July 1, 1993 a law enforcement officer in the Department of Inland Fisheries and Wildlife who is subject to section 17709 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of

1.15% of earnable compensation in addition to the contributions required under section 17709. [PL 2007, c. 491, §122 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §L30 (NEW). PL 2007, c. 491, §122 (AMD).

§17710. Marine Resources officers

1. Before September 1, 1984. A law enforcement officer in the Department of Marine Resources who was first employed in that capacity before September 1, 1984 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the officer has completed 20 years of creditable service, as required under section 17851, subsection 6; and [PL 1995, c. 466, Pt. B, §1 (RPR).]

B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of the officer's employment in that capacity. [PL 1995, c. 466, Pt. B, §1 (RPR).]

[PL 2007, c. 491, §123 (AMD).]

1-A. After August 31, 1984; option. A law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 and who elects the retirement option provided in section 17851, subsection 6-A shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 6-A.

[PL 2007, c. 491, §123 (AMD).]

1-B. After August 31, 1984. Beginning September 1, 2002, a law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer at a rate of 7.5% of earnable compensation until the law enforcement officer has completed 25 years of creditable service and at a rate of 6.5% thereafter.

[PL 2007, c. 491, §123 (AMD).]

2. Commissioner or deputy commissioner. A commissioner or deputy commissioner of the Department of Marine Resources may elect to contribute as a member or have pick-up contributions made by the employer under section 17701, rather than under this section, by filing a written copy of the election of choice with the board.

[PL 1987, c. 739, §§22, 48 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§22,48 (AMD). PL 1995, c. 466, §§B1,2 (AMD). PL 2001, c. 559, §RR2 (AMD). PL 2001, c. 559, §RR17 (AFF). PL 2007, c. 491, §123 (AMD).

§17710-A. Marine resources officers; members hired after July 1, 1992

Notwithstanding section 17710, a law enforcement officer in the Department of Marine Resources hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in addition to the contribution required under section 17710. [PL 2007, c. 491, §124 (AMD).]

SECTION HISTORY

PL 1991, c. 780, §HHH6 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §124 (AMD).

§17710-B. Marine resources officers; contributions on and after July 1, 1993

Notwithstanding sections 17710 and 17710-A, on and after July 1, 1993 a law enforcement officer in the Department of Marine Resources who is subject to section 17710 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 1.15% of earnable compensation in addition to the contributions required under section 17710. [PL 2007, c. 491, §125 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §L30 (NEW). PL 2007, c. 491, §125 (AMD).

§17711. Forest rangers

1. Before September 1, 1984. A forest ranger in the Department of Conservation, Bureau of Forestry who was first employed in that capacity before September 1, 1984, shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the forest ranger has met the requirements for eligibility for retirement under section 17851, subsection 8; and [PL 1995, c. 624, §1 (NEW).]

B. After meeting the eligibility requirements for retirement, at a rate of 6.5% of earnable compensation for the remainder of the forest ranger's employment as a forest ranger. [PL 1995, c. 624, §1 (NEW).]

[PL 2007, c. 491, §126 (AMD).]

2. After August 31, 1984; option. A forest ranger in the Department of Agriculture, Conservation and Forestry, Bureau of Forestry who was first employed in that capacity after August 31, 1984 and who elects the retirement option provided in section 17851, subsection 8-A shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 7-A.

[PL 2007, c. 491, §126 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§23,48 (AMD). PL 1995, c. 624, §1 (RPR). PL 2007, c. 491, §126 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§17711-A. Forest rangers; members hired after July 1, 1992

Notwithstanding section 17711, a forest ranger in the Department of Agriculture, Conservation and Forestry, Bureau of Forestry hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in addition to the contribution required under section 17711. [PL 2007, c. 491, §127 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1991, c. 780, §HHH7 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §127 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§17711-B. Forest rangers; contributions on and after July 1, 1993

Notwithstanding sections 17711 and 17711-A, on and after July 1, 1993 a forest ranger in the Department of Agriculture, Conservation and Forestry, Bureau of Forestry who is subject to section 17711 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 1.15% of earnable compensation in addition to the contributions required

under section 17711. [PL 2007, c. 491, §128 (AMD); PL 2011, c. 657, Pt. W, §§5,7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1993, c. 410, §L30 (NEW). PL 2007, c. 491, §128 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§17712. Maine State Prison employees

1. Before September 1, 1984. An employee of the Maine State Prison who holds a position described in section 17851, subsection 11, and who was first employed in one of those capacities before September 1, 1984, shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the employee has met the eligibility requirements for retirement under section 17851, subsection 11, paragraph A; and [PL 1987, c. 739, §§24, 48 (AMD).]

B. After meeting the eligibility requirements for retirement, at a rate of 6.5% of earnable compensation for the remainder of employment in one or more of those capacities. [PL 1987, c. 739, §§24, 48 (AMD).]

[PL 2007, c. 491, §129 (AMD).]

2. After August 31, 1984. An employee of the Maine State Prison who was first employed after August 31, 1984, in a position described in section 17851, subsection 11, shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the employee has completed 25 years of creditable service in one or more of those capacities; and [PL 1987, c. 739, §§24, 48 (AMD).]

B. After completing the service described in paragraph A, at a rate of 6.5% of earnable compensation for the remainder of employment in one or more of those capacities. [PL 1987, c. 739, §§24, 48 (AMD).]

[PL 2007, c. 491, §129 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§24,48 (AMD). PL 2007, c. 491, §129 (AMD).

§17712-A. Maine State Prison employees; members hired after July 1, 1992

Notwithstanding section 17712, an employee of the Maine State Prison who holds a position described in section 17851, subsection 11 and who is hired after July 1, 1992 shall contribute to the State Employee and Teacher Retirement Program at a rate of 1% of earnable compensation in addition to the contribution required under section 17712. [PL 2007, c. 491, §130 (AMD).]

SECTION HISTORY

PL 1991, c. 780, §HHH8 (NEW). PL 1991, c. 780, §HHH11 (AFF). PL 2007, c. 491, §130 (AMD).

§17712-B. Maine State Prison employees; contributions on and after July 1, 1993

Notwithstanding sections 17712 and 17712-A, on and after July 1, 1993 an employee of the Maine State Prison who holds a position described in section 17851, subsection 11 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 1.15% of earnable compensation in addition to the contributions required under section 17712. [PL 2007, c. 491, §131 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §L30 (NEW). PL 2007, c. 491, §131 (AMD).

§17713. Armed forces

1. Service after becoming a member. For employees who qualify to have their membership in the State Employee and Teacher Retirement Program continued under section 17655, subsection 1, because of service in the Armed Forces of the United States, the State shall contribute to the Members' Contribution Fund the same amount that the member would have been required to contribute, if the member had been serving the State during the period of service in the armed forces in the same capacity in which the employee was serving at the time the employee joined the armed forces. Any member whose contributions to the Members' Contribution Fund are paid by the State under this subsection, who withdraws or ceases to be a member of the State Employee and Teacher Retirement Program, may not withdraw any of the contributions made by the State under this subsection.

[PL 2007, c. 491, §132 (AMD).]

2. Service before becoming a member. A member who qualifies under section 17760 to purchase service credit at the cost set forth in section 17760, subsection 4 shall contribute to the State Employee and Teacher Retirement Program for the period of service in the armed forces as follows.

A. Contributions must be calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee after service in the armed forces, under the following terms and conditions:

- (1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate must be used;
- (2) The minimum rate is 5%; and
- (3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points must be paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is made. [PL 2003, c. 693, §2 (AMD).]

B. [PL 1989, c. 907, §2 (RP).]

C. The payment must be made to the State Employee and Teacher Retirement Program by a single direct payment or by annual direct payments made in accordance with section 17701, subsection 4. [PL 2007, c. 491, §132 (AMD).]

[PL 2007, c. 491, §132 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 710, §§5,6 (AMD). PL 1989, c. 907, §§1,2 (AMD). PL 1993, c. 349, §16 (AMD). PL 2003, c. 693, §2 (AMD). PL 2007, c. 491, §132 (AMD).

§17714. Baxter State Park Authority rangers

A law enforcement officer in the employment of the Baxter State Park Authority who elects the retirement option provided in section 17851, subsection 12 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 11. [PL 2007, c. 491, §133 (AMD).]

SECTION HISTORY

PL 1995, c. 466, §C1 (NEW). PL 2007, c. 491, §133 (AMD).

§17715. State fire marshals

A state fire marshal, state fire marshal investigator or a state fire marshal inspector who elects the retirement option provided in section 17851, subsection 13 shall contribute to the State Employee and

Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 13. [PL 2007, c. 491, §134 (AMD).]

SECTION HISTORY

PL 1997, c. 401, §1 (NEW). PL 2007, c. 491, §134 (AMD).

§17716. Motor vehicle detectives

A motor vehicle detective, senior motor vehicle detective, principal motor vehicle detective or chief motor vehicle detective who elects the retirement option provided in section 17851, subsection 14 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 15. [PL 2017, c. 229, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 401, §1 (NEW). PL 2007, c. 491, §135 (AMD). PL 2017, c. 229, §1 (AMD).

SUBCHAPTER 4

CREDITABLE SERVICE

§17751. Determination of one-year's service credit

The determination of one-year's service credit shall be governed as follows. [PL 1985, c. 801, §§5, 7 (NEW).]

1. All service in one calendar year. The board may not allow more than one year's service credit for all the service:

A. In one calendar year for state employees; or [PL 1985, c. 801, §§5, 7 (NEW).]

B. In one school contract year for teachers or state employees employed as teachers. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1985, c. 801, §§5, 7 (NEW).]

2. Absence without pay. Except as provided in section 17766, the board may not allow service credit for a period of absence without pay of more than a month's duration for a full-time position. [RR 1997, c. 1, §3 (COR).]

3. Board determination. The board shall determine by appropriate rules how much service in any year qualifies for one year's service credit. Service rendered for the full normal working time in any year qualifies for one year's service credit. The board shall provide in its rule related to the determination of creditable service for state employees that any part-time or seasonal state employee who was employed during the period beginning January 1, 1989 and ending June 30, 1991 is credited with a full year of creditable service for each year in which that employee is employed for 1,000 or more hours, for as long as that employee is employed by the State. The board's rule must also treat in the same manner any employee first employed before July 1, 1991 who is employed in a position that is in a career ladder in which the employee is required to move from full-time status to seasonal status when accepting a promotion in the employee's career ladder. Section 17001, subsection 13, paragraph E does not apply to an employee who is credited with a full year of creditable service under this provision. Each state department or agency shall submit to the retirement system a list of all employees to whom this provision applies, in the manner and time provided by board rule. [PL 1991, c. 878, §1 (AMD).]

4. Special provision for certain legislative employees. A legislative employee receives a full year of service credit for the period of January 1, 1978 to January 1, 1984 for each year of the legislative biennium in a position that may be full-time under Title 3, sections 22 and 42.

[RR 2013, c. 2, §7 (COR).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 878, §1 (AMD). RR 1997, c. 1, §3 (COR). PL 1997, c. 190, §1 (AMD). RR 2013, c. 2, §7 (COR).

§17752. Service credit for prior service

1. Determination. Service credit for prior service is determined as follows.

A. If a member can provide the board with satisfactory evidence that he performed any work as a state employee before July 1, 1942, or as a teacher before July 1, 1947, the member shall be granted one year of service credit for each year in which any work was performed, except that:

- (1) For the first year of service under this paragraph, service credit may be earned only from the date of beginning work to the end of the year; and
- (2) During the calendar year 1942, the maximum amount of prior service credit that may be earned for work as a state employee is 1/2 year; and
- (3) Prior service credit for work as a state employee shall be calculated on the basis of calendar years and for work as a teacher on the basis of school years. [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. Service credit for prior service shall be granted for work as a teacher to a member, if the member pays into the Members' Contribution Fund 5% of the salary received during that service. For each year of that service, the payments shall be not less than \$20 nor more than \$100. [PL 1985, c. 801, §§ 5, 7 (NEW).]

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Verification of prior service. Upon verification of the length of prior service rendered, the board shall grant service credit for that service.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17753. Service credit for back contributions

Upon complete payment of the back contributions under section 17704-C, the member must be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17704-C, the member must be granted service credit on a pro rata basis in accordance with rules adopted by the board. [PL 2009, c. 474, §22 (AMD).]

1. Entitlement to service credit.

[PL 1989, c. 95, §5 (RP).]

2. Retirement benefit effective before completion of payment.

[PL 1989, c. 95, §5 (RP).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 95, §5 (RPR). PL 1995, c. 180, §4 (AMD). PL 2009, c. 474, §22 (AMD).

§17754. Out-of-state service

1. Generally. For members who began membership before January 1, 1976, additional service credit must be allowed for out-of-state service, subject to the following conditions.

A. The member must have creditable service in Maine of at least 20 years in the aggregate. [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. The member, before any retirement benefit becomes effective for that member, must make contributions into the Members' Contribution Fund for the years of out-of-state service on the same basis as the member would have made contributions had the service been in Maine, including interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points. Interest is computed beginning the end of the year when those contributions would have been made, if the service had been in the State, to the date of payment. The payment must be made to the State Employee and Teacher Retirement Program by a single direct payment or by annual direct payments made in accordance with section 17701, subsection 4. [PL 2007, c. 491, §136 (AMD).]

C. If the member was formerly subject to the Revised Statutes of 1944, chapter 37, sections 221 to 241, the member's last 7 years of creditable service before the date of retirement must be in Maine. [PL 2007, c. 491, §136 (AMD).]

D. If the member is a teacher employed for the first time after July 1, 1947, the member's last 10 years of creditable service before the date of retirement must be in Maine and no more than 10 years of service credit for out-of-state service may be allowed. [PL 2007, c. 491, §136 (AMD).]

E. If a member is not a teacher, the member's last 10 years of creditable service before the date of retirement must be in Maine and no more than 10 years of service credit may be allowed for out-of-state service. [PL 2007, c. 491, §136 (AMD).]

F. [PL 1993, c. 349, §17 (RP).]

G. Upon complete payment of the back contributions under paragraph B or section 17764, the member must be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under paragraph B or section 17764, the member must be granted service credit on a pro rata basis in accordance with rules adopted by the board. [PL 1993, c. 349, §18 (AMD).]

[PL 2007, c. 491, §136 (AMD).]

2. Alternative. If service credit for out-of-state service is not allowed under subsection 1, additional service credit for out-of-state service must be allowed for any member in the determination of the retirement benefit under this Part, if the member, before any retirement benefit becomes effective for that member, pays into the Members' Contribution Fund, by a single direct payment or annual direct payments to the State Employee and Teacher Retirement Program, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 17701, subsection 4.

A. Additional amounts paid under this subsection become a part of the members' accumulated contributions. [PL 2007, c. 491, §136 (AMD).]

B. If any retirement benefit becomes effective before the completion of the payment under this subsection, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service. [PL 1989, c. 710, §9 (AMD).]

[PL 2007, c. 491, §136 (AMD).]

3. Service credit not to be used in another state. Notwithstanding anything to the contrary, any application for a retirement benefit that becomes effective after May 11, 1966, and for which out-of-state service credit is to be granted must be accompanied by a certified statement from the appropriate

retirement system that the out-of-state service credit granted has not been or will not be used to obtain benefits in another state.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 95, §6 (AMD). PL 1989, c. 709, §1 (AMD). PL 1989, c. 710, §§7-9 (AMD). PL 1993, c. 349, §§17,18 (AMD). PL 2007, c. 491, §136 (AMD).

§17755. Disability retirement service credit

A beneficiary shall receive service credit for the purpose of determining benefits under this Part for the period following termination of service for which the beneficiary receives disability retirement benefits under subchapter V, articles 3 and 3-A. [PL 1989, c. 409, §§6, 12 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 409, §§6,12 (AMD).

§17756. Unused accrued or accumulated sick leave or unused vacation leave

1. Service credit. Unused accumulated or accrued sick leave, unused vacation leave, or a combination of both, for which a member is credited on termination of service, but for which the member does not receive payment, qualifies for service credit.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Limitation. Leave qualifying for service credit under subsection 1 may not exceed a total of 90 days, except as provided in subsection 3.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Exceptions. Leave beyond 90 days may qualify for service credit, up to the maximum number of days of leave, set by personnel rules or by contract, that a person is allowed to accumulate, if:

A. For state employees, the member, before any retirement benefit becomes effective for him, pays into the Members' Contribution Fund, a single payment which is the actuarial equivalent, at the effective date of the member's retirement benefit, of the portion of his retirement benefit based on the additional creditable service beyond 90 days; and [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. For teachers, the member or the school administrative unit employing the member pays into the Members' Contribution Fund by a single payment the actuarial equivalent, at the effective date of the member's retirement benefit, of the portion of his retirement benefit based on the additional creditable service beyond 90 days. The member and the school administrative unit may determine by contract the portion to be deposited by each to obtain this additional creditable service. [PL 1985, c. 801, §§ 5, 7 (NEW).]

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17757. Former members

Upon complete payment of the back contributions under section 17703, the member shall be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17703, the member shall be granted service credit on a pro rata basis in accordance with rules adopted by the board. [PL 1989, c. 95, §7 (NEW).]

1. Service credit reinstated.

[PL 1989, c. 95, §7 (RP).]

2. Retirement benefit effective before completion of repayment.

[PL 1989, c. 95, §7 (RP).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 95, §7 (RPR).

§17758. Legislature and Executive Council

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2009, c. 474, §23 (RP).

§17759. Federal employment service

1. Creditable service. An employee of the federal employment service who became an employee of a state department before the federal employment service was returned to state control is entitled to service credit for prior service and membership service for the time the person was with the federal employment service, if the person makes up whatever contributions would have been made if the federal service had been state membership service, including interest at a rate, to be set by the board, not to exceed the regular interest by 5 or more percentage points beginning January 1, 1976, to the date of payment.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Applicability. This section does not apply to any member who began membership on or after January 1, 1976.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17760. Service in the armed forces

Service credit for service in the United States Armed Forces is governed as follows. [PL 2003, c. 693, §3 (AMD).]

1. Service after becoming a member. A member is entitled to service credit for the period of time during which the member's membership is continued under section 17655, subsection 1, under the following terms and conditions. Except as provided in paragraph B, service credit under this subsection is limited to 5 years.

A. A member who is otherwise entitled to service credit for military leave may not be deprived of these credits if the member's return to membership service is delayed beyond 90 days after the member's separation from the service in the Armed Forces of the United States, under conditions other than dishonorable, if the delay is caused by an illness or disability incurred in the service in the armed forces. [PL 2003, c. 387, §3 (AMD).]

B. A member may not receive service credit for military leave beyond the end of the period of first enlistment or induction or beyond 5 years from the date of original call to active duty in the armed forces, whichever is less, unless:

(1) The member's return to active duty in the armed forces or the extension of the period of service beyond 5 years is required by some mandatory provision; and

(2) The person presents proof of the return to or extension of service satisfactory to the board.

[PL 2003, c. 387, §3 (AMD).]

[PL 2003, c. 693, §3 (AMD).]

2. Service before becoming a member.

[PL 2003, c. 693, §3 (RP).]

3. Service before becoming member. A member who served as a full-time active duty member of the United States Armed Forces before becoming a member and who separated from the armed forces under conditions other than dishonorable is entitled under this subsection to purchase service credit for the period of time that the member served in the armed forces by complying with the terms and conditions of this subsection and the applicable provisions of subsection 4 or 5. Service credit under this subsection is limited to 4 years.

A. A member may purchase service credit at the cost set forth in subsection 4 if the member has at least 15 years of creditable service at the time of retirement, the member makes payment as required under subsection 4 and the member:

- (1) Began membership prior to January 1, 1976;
- (2) Served in the United States Armed Forces during any federally recognized period of conflict; or
- (3) Was awarded an Armed Forces Expeditionary Medal, a Combat Action Ribbon, a Combat Infantry Badge or any other campaign or expeditionary medal and the receipt of such a medal would allow the member to be considered "preference eligible" under 5 United States Code, Section 2108(3)(A). A member described in this subparagraph is entitled to purchase service credit at the cost set forth in subsection 4 only if a cost subsidy for that member's service credit has been paid to the State Employee and Teacher Retirement Program as provided in subsection 6. [PL 2021, c. 548, §20 (AMD).]

B. A member may purchase service credit at the cost set forth in subsection 5 if the member has at least 5 years of creditable service at the time of retirement and the member makes payment as required under subsection 5. [PL 2003, c. 693, §3 (NEW).]

C. For purposes of this subsection, "federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918 or to March 31, 1920 if service was in Russia; World War II, December 7, 1941 to December 31, 1946; the Korean Conflict, June 27, 1950 to January 31, 1955; the Vietnam War, August 5, 1964 to May 7, 1975 and the period beginning on February 28, 1961 and ending on May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period; and the Persian Gulf War, August 7, 1990 to the date that the United States Government recognizes as the end of the Persian Gulf War. [PL 2003, c. 693, §3 (NEW).]

[PL 2021, c. 548, §20 (AMD).]

4. Members qualified for credit at subsidized cost. A member qualified under subsection 3 to purchase service credit at the cost set forth in this subsection is entitled to service credit upon payment of back contributions under section 17713, subsection 2. Upon complete payment of back contributions, the member must be granted service credit for the period of time for which payment is made. Upon making partial payment, the member must be granted service credit on a pro rata basis in accordance with rules adopted by the board.

[PL 2003, c. 693, §3 (NEW).]

5. Members qualified for credit at actuarial cost. A member qualified under subsection 3 to purchase service credit at the cost set forth in this subsection is entitled to service credit if the member pays into the Members' Contribution Fund an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

A. Payment must be made before any retirement benefit becomes effective for that member. [PL 2003, c. 693, §3 (NEW).]

B. Payment may be made to the retirement system by a single direct payment or by annual direct payments in accordance with section 17701, subsection 4. [PL 2003, c. 693, §3 (NEW).]

C. A person who purchases service credit under this subsection and who subsequently, without inclusion of the purchased service credit and prior to retirement, becomes qualified for service credit at the cost set forth in subsection 4 is entitled to purchase the service credit under section 17713, subsection 2 and to receive a refund of the amount paid under this subsection that exceeds the cost to purchase the service credit under section 17713. A person who would have been qualified to purchase service credit under subsection 4 prior to retirement if a timely appropriation had been made under subsection 6 is entitled to a refund under this subsection even if the person becomes qualified after retirement. [PL 2003, c. 693, §3 (NEW).]

[PL 2003, c. 693, §3 (NEW).]

6. Cost subsidy for certain award recipients; annual report. A recipient of an award described in subsection 3, paragraph A, subparagraph (3) may purchase service credit at a subsidized cost under subsection 4 only if the retirement system has received an appropriation of the difference between the actuarial cost of that member's service credit and the amount to be paid by the member under subsection 4.

A. The retirement system shall annually, by February 15th, report to the joint standing committee of the Legislature having jurisdiction over retirement matters and the joint standing committee of the Legislature having jurisdiction over appropriations matters:

- (1) The amount, if any, in the account maintained for the purposes of this subsection;
- (2) The cost to subsidize the purchase of service credit under this subsection for members who applied and were determined eligible in the calendar year immediately preceding the report; and
- (3) The cost to subsidize the purchase of service credit under this subsection for members who applied and were determined eligible in each of the calendar years before the immediately preceding calendar year for which full appropriations were not made. [PL 2003, c. 693, §3 (NEW).]

B. In response to the report described in paragraph A, the joint standing committee of the Legislature having jurisdiction over retirement matters may report out legislation appropriating funds for all or a part of the costs set forth in the report. [PL 2003, c. 693, §3 (NEW).]

C. The retirement system shall maintain a separate account for funds appropriated for the purposes of this subsection. When the account contains sufficient funds to subsidize the purchase of service credit for all members who applied and were determined to be eligible in a particular calendar year, the retirement system shall allow that group of members to make purchases. Funds in the account must be applied to the earliest calendar year for which members remain who are eligible but have not yet been able to make purchases. [PL 2003, c. 693, §3 (NEW).]

D. If funds are appropriated under paragraph B to subsidize the purchase of service credit for specific members, and those members either decline to purchase service credit or are able to purchase the service credit without subsidy, the unused funds must be applied in accordance with paragraph C. [PL 2017, c. 88, §21 (NEW).]

[PL 2017, c. 88, §21 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 95, §8 (AMD). PL 1989, c. 907, §3 (AMD). PL 1991, c. 479, §§2,3 (AMD). PL 2001, c. 114, §§1-3 (AMD). PL 2003, c. 387, §§2,3 (AMD). PL 2003, c. 693, §3 (AMD). PL 2007, c. 491, §137 (AMD). PL 2017, c. 88, §21 (AMD). PL 2021, c. 548, §20 (AMD).

§17761. CETA service

1. Service credit allowed. Service credit for the period of CETA employment occurring after June 30, 1979, shall be granted to any person who, after June 30, 1979, satisfies the following conditions:

- A. The person was a CETA employee; [PL 1985, c. 801, §§5, 7 (NEW).]
 - B. The person, within 90 days of termination of CETA employment, became a non-CETA employee of the employer; [PL 1985, c. 801, §§5, 7 (NEW).]
 - C. The person, within 90 days of becoming a non-CETA employee, signified in writing to the retirement system his intention to purchase time credit under section 17707, subsection 4; [PL 1985, c. 801, §§5, 7 (NEW).]
 - D. The person has not received a return of any contributions made under section 17707, subsection 4 or has deposited his contributions within 18 months of obtaining non-CETA employment with the employer under section 17707, subsection 4; and [PL 1985, c. 801, §§5, 7 (NEW).]
 - E. The employer contribution required by section 17707, subsection 3 has been paid. [PL 1985, c. 801, §§5, 7 (NEW).]
- [PL 1985, c. 801, §§5, 7 (NEW).]

2. Retirement benefit effective before completion of payment. If any retirement benefit becomes effective before the completion of the deposit under section 17707, subsection 4, the person is entitled to credit for that portion of his CETA time which the amount of the deposit actually made bears to the total amount which would have been required to purchase the person's entire CETA time. [PL 1985, c. 801, §§5, 7 (NEW).]

3. Service credit allowed. Service credit for the period of CETA employment occurring before July 1, 1979 must be granted to any person who satisfies the following conditions:

- A. The person was a CETA employee; [PL 1999, c. 241, §2 (NEW).]
 - B. The person within 90 days of termination of CETA employment became a non-CETA employee of the employer; and [PL 1999, c. 241, §2 (NEW).]
 - C. The employee contribution required by section 17707, subsection 4, paragraph D has been paid. [PL 1999, c. 241, §2 (NEW).]
- [PL 1999, c. 241, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1999, c. 241, §2 (AMD).

§17762. Adult education teachers

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 700, §A25 (AMD). PL 1993, c. 539, §1 (RP). PL 1993, c. 539, §2 (AFF).

§17763. Teachers in private, parochial and other schools

1. Parochial school or public or private academy. A member who taught in a parochial school or in a public or private academy may purchase up to 10 years of service credit for that service under the following conditions.

- A. The member must have taught in a school approved by the Department of Education or the education department of another state while holding an appropriate teaching certificate. [PL 1991, c. 558, §1 (AMD).]

B. The member must have 20 years of creditable service as a state employee or teacher in this State. [PL 1991, c. 558, §1 (AMD).]

C. The member must, before any retirement benefit becomes effective for that member, make contributions into the Members' Contribution Fund, for the years of private or parochial school teaching on the same basis as the member would have made contributions had the service been as a state employee or teacher in this State, including interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points. The member's earnings for the years of private or parochial school teaching must be assumed to have been the same as the average salary for teachers in this State as determined by the Department of Education for each of the years when the private or parochial school teaching took place. Interest must be computed beginning at the end of the year when those contributions would have been made, if the service had been as a state employee or teacher in this State, to the date of payment. Payment must be made by a single direct payment or annual direct payments to the State Employee and Teacher Retirement Program in accordance with section 17701, subsection 4. [PL 2007, c. 491, §138 (AMD).]

D. The member must have begun membership before January 1, 1976. [PL 1991, c. 558, §1 (NEW).]

E. The member's last 10 years of creditable service before the date of retirement must be as a state employee or teacher in this State. [PL 1991, c. 558, §1 (NEW).]

F. Upon complete payment of the contributions under paragraph C, the member must be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the contributions under paragraph C, the member must be granted service credit on a pro rata basis in accordance with rules adopted by the board. [PL 1991, c. 558, §1 (NEW).]
[PL 2007, c. 491, §138 (AMD).]

2. Other schools and programs.

[PL 1993, c. 349, §19 (RP).]

3. Applicability.

[PL 1987, c. 148 (RP).]

4. Alternative. In the determination of the retirement benefit under this Part, if service credit for private or parochial school teaching is not allowed under subsection 1 based upon the member's not meeting the requirements of subsection 1, paragraph B or D, additional service credit for private or parochial school teaching is allowed for any member who meets the requirements of subsection 1, paragraphs A and E, if the member, before any retirement benefit becomes effective for that member, pays into the Members' Contribution Fund, by a single direct payment or annual direct payments to the State Employee and Teacher Retirement Program, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

Annual payments must be made in accordance with section 17701, subsection 4.

A. Additional amounts paid under this subsection become a part of the members' accumulated contributions. [PL 1993, c. 387, Pt. A, §10 (NEW).]

B. If any retirement benefit becomes effective before the completion of the payment under this subsection, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service. [PL 1993, c. 387, Pt. A, §10 (NEW).]

[PL 2007, c. 491, §139 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 148 (AMD). PL 1989, c. 700, §A26 (AMD). PL 1989, c. 709, §2 (AMD). PL 1989, c. 710, §§10,11 (AMD). PL 1991, c. 558, §1 (AMD). PL 1993, c. 349, §19 (AMD). PL 1993, c. 387, §A10 (AMD). PL 2007, c. 491, §§138, 139 (AMD).

§17763-A. Purchase of service credit by an educator of a child with a disability; service before July 1, 1976

If a member can provide the board with satisfactory evidence that the member performed before July 1, 1976 any work as an educator or teacher of a child with a disability, as defined in Title 20-A, section 7001, subsection 1-B, including as a teacher who may not meet the definition in section 17001, subsection 42, in a private or parochial school or other school, center, facility or program that was not part of a public school system, the member may purchase up to one year of service credit for any such work performed before July 1, 1976. Service credit for this work must be calculated on the basis of school years. In order to purchase this service credit and before any retirement benefit becomes effective, the member must pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the State Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent at the effective date of the retirement benefit of the portion of the retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 17701, subsection 4. Additional amounts paid under this subsection become a part of the member's accumulated contributions. If any retirement benefit becomes effective before the completion of the payment under this section, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made plus regular interest on those payments to the date the retirement benefit becomes effective bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service. [PL 2007, c. 491, §140 (AMD).]

SECTION HISTORY

PL 2007, c. 303, §1 (NEW). PL 2007, c. 491, §140 (AMD).

§17764. Vista, Peace Corps, Head Start and foreign teaching

Members who served in the Peace Corps, foreign or domestic, the Volunteers in Service to America Program, or the Fulbright Exchange Program; who taught children of United States Foreign Service Corps personnel outside the continental United States or United States Armed Forces personnel located in any foreign country on a regularly established United States military base; or who served as an employee of a Head Start program in Maine may purchase service credit for that service under the following conditions. For the purposes of this section "members" means state employees and teachers. [PL 1999, c. 250, §1 (AMD).]

1. Limit on service credit. The service credit may not exceed 2 years. [PL 1989, c. 709, §3 (NEW).]

2. Creditable service required. Members whose service in these organizations preceded their becoming members in the State Employee and Teacher Retirement Program must, on the date of retirement, have at least 15 years of creditable service. [PL 2007, c. 491, §141 (AMD).]

3. Return to employment. Members who terminated service in the State as state employees or teachers prior to service with these organizations must return to state employment or active teaching in the State within one year of the completion of service in these organizations. [PL 1989, c. 709, §3 (NEW).]

4. Payment to fund. Members must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the State

Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Payments must be made as provided in section 17701.

[PL 2007, c. 491, §142 (AMD).]

SECTION HISTORY

PL 1989, c. 709, §3 (NEW). PL 1999, c. 250, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§141, 142 (AMD).

§17765. Teacher previously employed as teacher's aide or Educational Technician I

A member who is a teacher who was previously employed by a school administrative unit in this State as a teacher's aide or Education Technician I may purchase service credit for the time so employed, under the following conditions. [PL 1997, c. 161, §1 (NEW).]

1. Payment to fund. Before the retirement benefit becomes effective, members must pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the State Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Payments must be made as provided in section 17701, subsection 4.

[PL 2007, c. 491, §143 (AMD).]

2. Partial payment and partial service credit. If any retirement becomes effective before the completion of the payment under this section, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

[PL 1997, c. 161, §1 (NEW).]

3. Limitation on use of purchased service credit. Notwithstanding any other provision of law, any service credit purchased under this section may be used only for the purpose of increasing the amount of a member's service retirement benefits by inclusion of the purchased service credit and may not be used for any other purpose.

[PL 1997, c. 161, §1 (NEW).]

4. Additional conditions of service credit purchase if some or all employment as teacher's aide or Educational Technician I was under a participating local district plan. If a member was previously employed as a teacher's aide or an Educational Technician I and was a member under the Participating Local District Retirement Program, then the following additional conditions apply:

A. If a member was also previously employed as a teacher's aide or an Educational Technician I by a school administrative unit where the member was not a member under the Participating Local District Retirement Program, and the member is purchasing or purchases less than all of the member's total time as a teacher's aide or an Educational Technician I, all of the time during which the member was employed as a teacher's aide or an Educational Technician I and was a member under the Participating Local District Retirement Program must be purchased before the member may purchase any of the time during which the member was employed as a teacher's aide or Educational Technician I and was not a member under the Participating Local District Retirement Program; and [PL 2007, c. 491, §144 (AMD).]

B. As of the date that the retirement system receives any payment toward the purchase, a member's purchase of any service credit under this section for time during which the member was employed as a teacher's aide or an Educational Technician I and was a member under the Participating Local District Retirement Program is an irrevocable election to use the service credit purchased to

increase the member's service retirement benefits under the State Employee and Teacher Retirement Program, in accordance with subsection 3. Any portion of the service credit that is purchased or available for purchase may not after purchase or being made available for purchase be considered to be service credit under the Participating Local District Retirement Program as service with the participating local district by which the member was employed as a teacher's aide or an Educational Technician I, regardless of whether the member completed the payment for purchase under this section. A member who does not complete the payment for purchase before the member's retirement becomes effective is entitled to service credit as provided in subsection 2. [PL 2007, c. 491, §144 (AMD).]

REVISOR'S NOTE: §17765. Service credit for educational leave (As enacted by PL 1997, c. 190, §2 is REALLOCATED TO TITLE 5, SECTION 17766)

[PL 2007, c. 491, §144 (AMD).]

SECTION HISTORY

RR 1997, c. 1, §4 (RAL). PL 1997, c. 161, §1 (NEW). PL 1997, c. 190, §2 (NEW). PL 2007, c. 491, §§143, 144 (AMD).

§17766. Service credit for educational leave

(REALLOCATED FROM TITLE 5, SECTION 17765)

A member may purchase service credit for the period during which the member took an unpaid or partially paid educational leave pursuant to the Maine Educational Leave Act under the following conditions. [RR 1997, c. 1, §4 (RAL).]

1. Payment. The member must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single payment or annual direct payments to the State Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional service credit purchased under this section. Payments must be made as provided in section 17701, subsection 4.

If any retirement benefit becomes effective before the completion of the payment under this subsection, the member is entitled to the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

[PL 2007, c. 491, §145 (AMD).]

2. Limitation on use of purchased service credit. Notwithstanding any other provision of law, service credit purchased under this section may be used only for the purpose of increasing the amount of a member's service retirement benefit by inclusion of the purchased service credit and may not be used to establish a member's qualification for a service retirement benefit.

[RR 1997, c. 1, §4 (RAL).]

3. Return to employment. The member must have returned to state employment after completion of the educational leave.

[RR 1997, c. 1, §4 (RAL).]

SECTION HISTORY

RR 1997, c. 1, §4 (RAL). PL 2007, c. 491, §145 (AMD).

§17767. Law enforcement service

Service credit for service in law enforcement is governed as follows. [PL 2019, c. 459, §1 (NEW).]

1. Service before becoming member. A member who served as a full-time law enforcement officer with a federal, state, county or local law enforcement agency before becoming a member is entitled under this subsection to purchase service credit for the period of time that the member served as a law enforcement officer if the member has at least 15 years of creditable service at the time of retirement by complying with the terms and conditions of this subsection and the applicable provisions of subsection 2. Service credit purchased under this section is limited to 4 years. Notwithstanding anything to the contrary, a member for which service credit under this section is to be granted must provide a certified statement from the appropriate retirement system that the service credit to be granted has not been and will not be used to obtain other retirement benefits.

[PL 2019, c. 459, §1 (NEW).]

2. Members qualified for credit at actuarial cost. A member qualified under subsection 1 to purchase service credit at the cost set forth in this subsection is entitled to service credit if the member pays an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

A. Payment must be made before any retirement benefit becomes effective for that member. [PL 2019, c. 459, §1 (NEW).]

B. Payment may be made to the retirement system by a single direct payment or by annual direct payments in accordance with section 17701, subsection 4. [PL 2019, c. 459, §1 (NEW).]

[PL 2019, c. 459, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 459, §1 (NEW).

§17768. Service credit for teachers

A member who is a teacher and who experiences a reduction in income from an extracurricular or cocurricular position due to circumstances related to coronavirus disease 2019, referred to in this section as "COVID-19," may purchase service credit for the period during which the extracurricular or cocurricular position was eliminated or otherwise unavailable under the following conditions. [PL 2021, c. 225, §3 (NEW).]

1. Eligibility requirements. A teacher may purchase service credit under this section only if:

A. During the 12 months preceding the start of the period of the service credit, the teacher received income from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to COVID-19; and [PL 2021, c. 225, §3 (NEW).]

B. The teacher is in the final 3 years of service during the period from January 1, 2020 to July 1, 2021. [PL 2021, c. 225, §3 (NEW).]

[PL 2021, c. 225, §3 (NEW).]

2. Limit on service credit. The additional service credit under this section may be purchased only for the period from January 1, 2020 to July 1, 2021.

[PL 2021, c. 225, §3 (NEW).]

3. Payment. A member purchasing service credit under this section must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single payment or annual direct payments to the State Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional service credit purchased under this section. Payments must be made as provided in section 17701, subsection 4.

If any retirement benefit becomes effective before the completion of the payment under this subsection, the member is entitled to the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

[PL 2021, c. 225, §3 (NEW).]

4. Limitation on use of purchased service credit. Notwithstanding any provision of law to the contrary, service credit purchased under this section may be used only for the purpose of increasing the amount of a member's service retirement benefit by inclusion of the purchased service credit and may not be used to establish a member's qualification for a service retirement benefit.

[PL 2021, c. 225, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 225, §3 (NEW).

SUBCHAPTER 5

BENEFITS

ARTICLE 1

GENERAL PROVISIONS

§17801. Commitment to members and limitations

1. Commitment as to certain provisions and limitations. The following provisions govern the commitment as to certain provisions and limitations.

A. The commitment set out in paragraph B is effective October 1, 1999, for members who, on October 1, 1999 or thereafter, meet the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851 or section 17851-A, subsection 2. [PL 1999, c. 489, §3 (NEW).]

B. The protections established under the provisions listed in subparagraph (1) constitute solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine, Article I, Section 11 and the United States Constitution, Article I, Section 10, under the terms and conditions set out in subparagraph (2).

(1) The commitment provided by this section applies to the protections established under the specific following provisions:

- (a) Section 17001, subsection 4; and subsection 13, paragraph B, subparagraph (1) and paragraph C, subparagraph (2);
- (b) Section 17806, subsections 1 to 4;
- (c) The subsection of section 17851 that is applicable to each member;
- (d) The paragraph of subsection 2 of section 17851-A that is applicable to each member;
- (e) The paragraph of subsection 4 of section 17851-A that is applicable to each member; and
- (f) The subsection of section 17852 that is applicable to each member.

(2) The commitment established in this paragraph attaches to a given provision of those specified in subparagraph (1) when the member in question has met the creditable service requirement set out in the given provision, on the basis of which the protection established by the provision becomes effective. [RR 2021, c. 2, Pt. A, §10 (COR).]

[RR 2021, c. 2, Pt. A, §10 (COR).]

2. Provisions not covered by subsection 1. Subsection 1 does not apply to any provision of this Part not specifically identified in Subsection 1. Any provision not specifically identified in Subsection 1 may be increased, decreased, otherwise changed or eliminated by the Legislature as to any member regardless of whether the member has or has not met any creditable service requirement for eligibility to receive a service retirement benefit.

[PL 1999, c. 489, §3 (NEW).]

3. Employee contribution rate. Effective October 1, 1999, for members who, on October 1, 1999 or thereafter, meet the creditable service requirement for eligibility to receive a service retirement benefit under section 17851 or section 17851-A, subsection 2, the employee contribution rate required to be paid at the time the service was rendered under the provision of section 17851 or 17851-A that is applicable to each member may be increased for members who have met the requirements only to:

A. Pay the cost, in whole or in part, of an improvement to a benefit that exists at the time the increase becomes effective and that is then or may in the future be applicable to members to whom the increase applies or provide a new benefit that is then or may in the future be applicable to members to whom the increase applies, and only to the extent of the cost of the improved or new benefit, provided that nothing in this paragraph may be construed to require that the employee contribution rate must be increased to pay the cost, in whole or part, of the improved or new benefit; or [PL 1999, c. 489, §3 (NEW).]

B. Maintain actuarial soundness as required by the Constitution of Maine, Article IX, Section 18-A and this Part, as determined to be necessary by the board on recommendation of the system's actuary. [PL 1999, c. 489, §3 (NEW).]

For members to whom section 17851-A applies, the phrase "the employee contribution rate required to be paid" includes contribution rates as made applicable under section 17851-A, subsections 5 and 6.

[PL 1999, c. 489, §3 (NEW).]

4. Limitations on subsections 1 and 3. Subsections 1 and 3 do not apply to any member until the member has met the creditable service requirement for eligibility to receive a service retirement benefit under section 17851 or 17851-A, subsection 2. For members to whom subsections 1 and 3 do not apply as provided in this subsection, the Legislature may increase, decrease, otherwise change or eliminate any provisions of this Part.

[PL 1999, c. 489, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§25,48 (AMD). PL 1999, c. 489, §3 (RPR). PL 2019, c. 540, §1 (AMD). RR 2021, c. 2, Pt. A, §10 (COR).

§17802. Eligibility for benefits

Only members of the State Employee and Teacher Retirement Program, their spouses, surviving spouses, children, dependent children, parents or beneficiaries are eligible to receive benefits from the State Employee and Teacher Retirement Program. [PL 2007, c. 491, §146 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 491, §146 (AMD).

§17803. Election of methods of payment

1. Definition. As used in this article, unless the context otherwise indicates, "qualifying member" means:

A. A member; or [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. A former member who is receiving a disability retirement benefit. [PL 1985, c. 801, §§ 5, 7 (NEW).]

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Election. In order to receive a benefit, a qualifying member must elect to have his service retirement benefit payable under any of the methods in section 17804.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Time and manner of election. A qualifying member must elect a method of payment before the beginning of payment of a service retirement benefit. This election must be by written notice to the chief executive officer stating the date on which he desires to retire.

[PL 1987, c. 256, §7 (AMD); PL 2021, c. 548, §45 (REV).]

4. Change of election. A qualifying member may revoke his election of benefits and may elect another method of payment by giving written notice to the chief executive officer at any time before the first payment of the service retirement benefit.

[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §7 (AMD). PL 2021, c. 548, §45 (REV).

§17804. Methods of payment

Except as provided in subsection 6, payment of a service retirement benefit shall begin on the first day of the month following the month in which the qualifying member becomes eligible to receive payment of the member's service retirement benefit under section 17851 or 17907. A full month's benefit shall be paid to the beneficiary or estate of the recipient for the month in which the member dies. A qualifying member may select payment in one of the following methods. [PL 1989, c. 95, §9 (AMD).]

1. Full benefits. All retirement benefits shall be payable for life in equal monthly installments with no further payment made after the month in which the retiree dies.

[PL 1987, c. 256, §9 (AMD).]

2. Option 1. The qualifying member may elect to have a reduced retirement benefit paid to himself while alive and at the qualifying member's death to have the excess, if any, of his accumulated contributions at the time of retirement over the portion of the total retirement benefit payments actually made to the qualifying member while alive, which is the actuarial equivalent of the accumulated contributions, paid in a lump sum to the beneficiary he has nominated by written designation duly acknowledged and filed with the chief executive officer or, if no one has been nominated as beneficiary, to his estate.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

3. Option 2. The qualifying member may elect to have a reduced retirement benefit payable to himself while alive and at the qualifying member's death to have the benefit continued in the same amount for the life of the beneficiary he has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

4. Option 3. The qualifying member may elect to have a reduced retirement benefit payable to himself while alive and at the qualifying member's death to have the benefit continued at 1/2 the amount for the life of the beneficiary he has nominated by written designation duly acknowledged and filed

with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

5. Option 4.

[PL 1999, c. 744, §7 (RP); PL 1999, c. 744, §17 (AFF).]

5-A. Option 4. The qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have some benefit other than that available under subsection 3 or 4 payable to the beneficiary that the qualifying member has designated, if the beneficiary survives the qualifying member. The total value of the benefit paid to the qualifying member during the qualifying member's life plus the benefit paid after the qualifying member's death is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The method used to determine the benefit must be approved by the board, and the beneficiary must be designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the retirement system.

[PL 2021, c. 548, §21 (AMD).]

5-B. Option 5. The qualifying member may elect to have a reduced retirement benefit payable in part to the qualifying member and in part to the beneficiary, who must be the sole beneficiary, while both are alive and, at the death of either, to have the higher benefit paid to the survivor for the survivor's life. The total value of the benefit paid to the qualifying member and beneficiary, during the qualifying member's life, plus the benefit to be paid after the death of either is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The method used to determine the benefit must be approved by the board, and the beneficiary must be designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the retirement system.

[PL 2021, c. 548, §22 (AMD).]

5-C. Option 6. The qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and, at the qualifying member's death, to have the benefit continued in the same amount for the life of the beneficiary, who must be the sole beneficiary, that the qualifying member has designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the retirement system, if the beneficiary survives the qualifying member. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to be the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member.

[PL 2021, c. 548, §23 (AMD).]

5-D. Option 7. The qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and, at the qualifying member's death, to have the benefit continued at 1/2 that amount for the life of the beneficiary, who must be the sole beneficiary, that the qualifying member has designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the retirement system, if the beneficiary survives the qualifying member. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member.

[PL 2021, c. 548, §24 (AMD).]

5-E. Option 8. The qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have some benefit other than that available under subsection 3 or 4 payable to the beneficiary, who must be the sole beneficiary, that the member has designated, if the beneficiary survives the qualifying member. The total value of the benefit paid to the qualifying member plus the benefit paid after the qualifying member's death is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to be the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member.

[PL 2001, c. 118, §4 (AMD).]

5-F. Change of beneficiary. If the recipient of a service retirement benefit has elected an optional method of payment under subsection 3, 4, 5, 5-A, 5-B, 5-C, 5-D or 5-E and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary except as provided in paragraph D, but may not change the already elected payment option or the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly acknowledged, with the chief executive officer on a form provided or specified by the retirement system. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

A. The benefit payable to the recipient and the new beneficiary must be paid under the same payment option. The amount of the recipient's benefit may not change, and the amount of the new beneficiary's benefit must be the same as the amount of the prior beneficiary's benefit. [PL 1999, c. 744, §8 (NEW).]

B. The effective date of the designation of the new beneficiary is the date the designation is received by the chief executive officer. As of the first day of the month following the effective date of the designation of the new beneficiary, the prior beneficiary is no longer entitled to any benefit payment and, if concurrent payment under subsection 5-B has been elected, the new beneficiary's benefit must become effective on the same date. [PL 2021, c. 548, §25 (AMD).]

C. The new beneficiary's entitlement to benefits ceases on the earlier of:

- (1) The date of the new beneficiary's death; and
- (2) The date established when the amount of the prior beneficiary's benefit was established, which is the initial commencement date of benefits to the retiree increased by the life expectancy of the prior beneficiary computed in years and months using actuarial equivalence assumptions recommended by the system's actuary.

Payment of benefits to the new beneficiary must cease as of the first day of the month following the earlier of subparagraphs (1) and (2). [PL 2021, c. 548, §25 (AMD).]

D. A recipient who exercises a one-time option under this subsection may revert back to the original designated beneficiary, who will be treated as the new beneficiary for purposes of paragraphs A to C. [PL 2007, c. 523, §2 (NEW).]

[PL 2021, c. 548, §25 (AMD).]

6. Monthly payment of \$10 or less. If the monthly benefit payable to a qualifying member or the beneficiary of a qualifying member is \$10 or less, there shall be paid, in lieu of those payments, a lump sum which is the actuarial equivalent, on the date the first monthly payment would otherwise be paid, of the benefit to which the qualifying member or beneficiary is entitled. A beneficiary who receives a

lump sum payment under this subsection shall not forfeit any other benefit to which the beneficiary would be entitled if the beneficiary were receiving a monthly benefit payment.

[PL 1989, c. 95, §10 (NEW).]

7. Notice to spouse. A qualifying member who is married on the effective date of retirement, who elects the method of payment under subsection 1 or who elects a method of payment other than that provided under subsection 1 and who designates a beneficiary other than the qualifying member's spouse must notify the spouse that the spouse is not the beneficiary. Proof that the spouse has been notified must be provided:

A. By written certification of the spouse, duly acknowledged and filed with the chief executive officer, on a form provided or specified by the retirement system, indicating that notice has been received from the qualifying member; or [PL 2021, c. 548, §26 (AMD).]

B. When notice has been given but certification by the spouse has not been provided, by written certification of the qualifying member, duly acknowledged and filed with the chief executive officer, on a form provided or specified by the retirement system, indicating that notice has been given to the spouse. [PL 2021, c. 548, §27 (AMD).]

Payment of the qualifying member's service benefit may not commence until certification has been received by the chief executive officer.

[PL 2021, c. 548, §§26, 27 (AMD); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §§8-10 (AMD). PL 1989, c. 95, §§9,10 (AMD). PL 1999, c. 744, §§7-9 (AMD). PL 1999, c. 744, §17 (AFF). PL 1999, c. 790, §K1 (AMD). PL 1999, c. 790, §K5 (AFF). PL 2001, c. 118, §4 (AMD). PL 2007, c. 523, §2 (AMD). PL 2021, c. 548, §§21-27 (AMD). PL 2021, c. 548, §45 (REV).

§17805. Remarriage after retirement

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4, 5-A or 5-B remarries after the recipient's spouse dies the following provisions apply. [PL 2001, c. 118, §5 (AMD).]

1. Election of benefit for new spouse. The recipient may elect to have the reduced retirement benefit paid under the same option to the new spouse after the recipient's death instead of continuing the original reduced retirement benefit to the recipient during his lifetime, under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4, 5-A or 5-B; and [PL 1999, c. 744, §10 (AMD); PL 1999, c. 744, §17 (AFF).]

B. [PL 1987, c. 612, §2 (RP).]

C. [PL 1987, c. 612, §3 (RP).]

D. The recipient must have been married to the new spouse for at least 6 months. [PL 1987, c. 612, §4 (NEW).]

[PL 1999, c. 744, §10 (AMD); PL 1999, c. 744, §17 (AFF).]

2. Time and manner of election. The recipient may make the election at any time after the death of the original spouse and remarriage to the new spouse by:

A. Sending a written request to the chief executive officer; and [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

B. [PL 1987, c. 612, §5 (RP).]

C. Submitting evidence of the death of the former spouse and date of marriage to the new spouse.
[PL 1987, c. 612, §5 (NEW).]
[PL 1987, c. 612, §5 (AMD); PL 2021, c. 548, §45 (REV).]

3. Amount of benefit. The amount of the benefit payable under the option elected shall be the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving.
[PL 1985, c. 801, §§5, 7 (NEW).]

4. Effective date of coverage of the new spouse. The effective date of the designation of the new spouse as the recipient's new beneficiary will be the date the request is received or 6 months after the date of remarriage, whichever comes later. The recipient's retirement benefit shall be adjusted on the first day of the month following the effective date of the new designation of beneficiary.
[PL 1987, c. 612, §6 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 612, §§1-6 (AMD). PL 1999, c. 744, §10 (AMD).
PL 1999, c. 744, §17 (AFF). PL 2001, c. 118, §5 (AMD). PL 2021, c. 548, §45 (REV).

§17805-A. Divorce

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4, 5-A, 5-B, 5-C, 5-D or 5-E is granted a divorce either after retirement or before a retirement beneficiary is named the following provisions apply. [PL 2001, c. 118, §6 (AMD).]

1. Election of benefit for different beneficiary. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary except when the former spouse is named as retirement beneficiary at the time the divorce is granted, in which case the election may be made only under the following conditions:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4, 5-A, 5-B, 5-C, 5-D or 5-E; and [PL 2001, c. 118, §7 (AMD).]

B. The recipient and the spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the chief executive officer shall ensure that the spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood. [PL 1995, c. 604, §3 (AMD); PL 2021, c. 548, §45 (REV).]
[PL 2005, c. 560, §3 (AMD); PL 2021, c. 548, §45 (REV).]

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

A. Sending a written request to the chief executive officer; and [PL 1991, c. 320, §1 (NEW); PL 2021, c. 548, §45 (REV).]

B. Submitting evidence of the divorce. [PL 1991, c. 320, §1 (NEW).]
[PL 1991, c. 320, §1 (NEW); PL 2021, c. 548, §45 (REV).]

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.
[PL 1991, c. 320, §1 (NEW).]

4. Effective date of coverage of new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

[PL 1991, c. 320, §1 (NEW).]

SECTION HISTORY

PL 1991, c. 320, §1 (NEW). PL 1995, c. 604, §§1-3 (AMD). PL 1999, c. 744, §11 (AMD). PL 1999, c. 744, §17 (AFF). PL 2001, c. 118, §§6,7 (AMD). PL 2005, c. 560, §3 (AMD). PL 2021, c. 548, §45 (REV).

§17806. Cost-of-living adjustment to retirement benefits

Cost-of-living adjustments to the retirement benefits being paid to retired state employees, teachers or beneficiaries of either shall be governed as follows. [PL 1985, c. 801, §§5, 7 (NEW).]

1. Determination of adjustment. The cost-of-living adjustment shall be determined as follows.

A. Except as provided in paragraphs A-1, A-2 and A-3, whenever there is a percentage increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase in retirement benefits, beginning in September, up to a maximum annual increase of 3%. Effective July 1, 2011, the increase applies to that portion of the retirement benefit up to \$20,000, which amount must be indexed in subsequent years by the same percentage adjustments granted under this section. Effective July 1, 2022, the increase applies to that portion of the retirement benefit up to \$24,186.25, which amount must be indexed in subsequent years by the same percentage adjustments granted under this section. [PL 2021, c. 635, Pt. NN, §1 (AMD).]

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner. If the Consumer Price Index in the subsequent year or years is not sufficient to allow for the adjustment to be cost-neutral for the 2 years, then the adjustment needed for cost-neutrality must continue to be applied to following years until such time as the cost-neutrality requirement is met. [PL 2009, c. 473, §4 (AMD).]

A-2. Regardless of the amount of increase in the Consumer Price Index, for cost-of-living adjustments awarded in fiscal year 2015-16 and fiscal year 2016-17 only, the board shall automatically make a percentage increase in retirement benefits of no less than 2.55%. The increase applies to that portion of the retirement benefit that would otherwise be subject to an increase under paragraph A. [RR 2015, c. 2, §4 (COR).]

A-3. For cost-of-living adjustments awarded in fiscal year 2021-22 only, the board shall automatically make a percentage increase in retirement benefits of 4.0%. The increase applies to that portion of the retirement benefit that would otherwise be subject to an increase under paragraph A. [PL 2021, c. 635, Pt. NN, §2 (NEW).]

B. Whenever the annual percentage increase in the Consumer Price Index from July 1st to June 30th exceeds 3%, the board shall make whatever adjustments in the retirement benefits are necessary to reflect an annual increase of 3% and shall submit a supplemental budget request to the Governor for the additional funds that would be required to make adjustments in the retirement benefits to reflect the actual increase in the Consumer Price Index. The request must include a report stating the cost of the 3% increase, the actual percentage increase in the Consumer Price Index and the percentage adjustments granted during the previous 5 years. The board shall make an additional adjustment in the retirement benefits in the month following the appropriation only in that amount. [PL 2011, c. 380, Pt. T, §11 (AMD); PL 2011, c. 380, Pt. T, §26 (AFF).]

C. Notwithstanding any other provision of this section, the amount of annual retirement benefit otherwise payable under this Part may not be less than the retired member received on the effective date of his retirement or on July 1, 1977, whichever amount is greater. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 2021, c. 635, Pt. NN, §§1, 2 (AMD).]

2. Cost. The board shall determine the costs of the adjustments under this section and shall include those costs in its budget requests.

[PL 1985, c. 801, §§5, 7 (NEW).]

3. Eligibility. Cost-of-living adjustments under this section must be applied to the retirement benefits of all retirees who have been retired for at least 12 months before the date that the adjustment becomes payable, except that a member who has less than 10 years of creditable service on July 1, 1993 may not receive a cost-of-living adjustment until at least 12 months after reaching normal retirement age. Beneficiaries of deceased retirees and members are eligible for the cost-of-living adjustment at the same time the deceased retiree or member would have become eligible. A member who is eligible to retire as of June 30, 1993 and who actually retires effective no later than July 1, 1994 is eligible for the cost-of-living adjustment if that member has been retired for at least 6 months before the date that the adjustment becomes payable.

[PL 1993, c. 595, §6 (AMD).]

4. Limitation on changes in eligibility. Effective October 1, 1999:

A. The time requirement of subsection 3 that a member be retired for at least 12 months before a cost-of-living adjustment becomes payable may not be increased for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851 or section 17851-A, subsection 2; [PL 1999, c. 489, §4 (NEW).]

B. The time requirement that a member who had fewer than 10 years of creditable service on July 1, 1993 may not receive a cost-of-living adjustment until at least 12 months after reaching normal retirement age may not be increased for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851, subsection 1-C, paragraph A; section 17851, subsection 1-C, paragraph B; section 17851, subsection 2-C, paragraph A; section 17851, subsection 2-C, paragraph B; or section 17851-A, subsection 2, paragraph A; and [PL 1999, c. 489, §4 (NEW).]

C. The time requirement that a member who had fewer than 10 years of creditable service on July 1, 1993 may not receive a cost-of-living adjustment until at least 12 months after reaching normal retirement age may not be made applicable to a member who had at least 10 years of creditable service on July 1, 1993. [PL 1999, c. 489, §4 (NEW).]

[PL 1999, c. 489, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 557 (AMD). PL 1993, c. 410, §L31 (AMD). PL 1993, c. 595, §6 (AMD). PL 1999, c. 489, §4 (AMD). PL 2009, c. 433, §§3, 4 (AMD). PL 2009, c. 473, §§3, 4 (AMD). PL 2011, c. 380, Pt. T, §§10, 11 (AMD). PL 2011, c. 380, Pt. T, §26 (AFF). PL 2013, c. 424, Pt. B, §1 (AMD). PL 2015, c. 334, §§1, 2 (AMD). RR 2015, c. 2, §4 (COR). PL 2021, c. 635, Pt. NN, §§1, 2 (AMD).

§17807. Persons retired under earlier law

1. Benefits continued. All benefits payable to former employees retired under the Public Laws of 1933, chapter 1, sections 227 to 233, as they existed immediately before July 1, 1942, shall be continued and paid in the future from the Retirement Allowance Fund at the full amounts stipulated under those sections before July 1, 1942.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Additional amounts. Any additional funds required to continue the benefits under subsection 1 shall be provided by an increase in the accrued liability contribution payable to the Retirement Allowance Fund.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17808. Payment from certain funds

All benefits payable under this chapter must be paid from the Retirement Allowance Fund, except those payable from the Members' Contribution Fund or as specifically provided in this chapter. [PL 2007, c. 249, §26 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 249, §26 (AMD).

§17809. Incorrect records

If any error in any record of the retirement system results in a member or beneficiary receiving more or less from the system than he would have been entitled to receive had the record been correct, payments shall, as far as practicable, be adjusted so that the actuarial equivalent of the benefit to which he was correctly entitled is paid. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17810. Earnable compensation continued

For purposes of determining benefits under this chapter, the earnable compensation of a member retired with a disability retirement allowance under article 3 is assumed to be continued after his date of termination of service: [PL 1985, c. 801, §§ 5, 7 (NEW).]

1. Rate. At the same rate as received immediately before the date of termination of service; and [PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Percentage adjustments. Subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 17806. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17811. Election to reduce or discontinue benefits

Any retiree or member who is retired or will retire may elect to reduce or discontinue receiving any benefit upon written request, duly certified and acknowledged, to the chief executive officer. [PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2021, c. 548, §45 (REV).

§17812. Limitation on benefits

Benefits are limited as follows. [PL 1987, c. 256, §11 (NEW).]

1. One benefit only. A beneficiary may select only one benefit, regardless of how many benefits he qualifies for.

[PL 1987, c. 256, §11 (NEW).]

2. Election final. Except as provided in section 17803, subsection 4, and section 17953, subsection 8, if a beneficiary elects a benefit after receiving reasonable notification of available options from the retirement system, the beneficiary's election of benefit is final and may not be changed or revoked at a later date.

[PL 1991, c. 548, Pt. A, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 256, §11 (NEW). PL 1991, c. 548, §A2 (AMD).

ARTICLE 2

SERVICE RETIREMENT BENEFITS

§17851. Qualification for benefits

1. Member in service; 10 years of creditable service on July 1, 1993.

[PL 1999, c. 489, §5 (RP).]

1-A. Member in service; less than 10 years creditable service on July 1, 1993.

[PL 1999, c. 489, §6 (RP).]

1-B. Member in service at retirement; 10 years of creditable service on July 1, 1993. A member who on July 1, 1993, had 10 years of creditable service and who is in service at retirement, or a member who on July 1, 1993 had reached 60 years of age and had been in service for a minimum of one year immediately before July 1, 1993 and has been in service for a minimum of one year immediately before retirement, qualifies for a service retirement benefit if the member retires upon or after reaching 60 years of age. For the purpose of determining completion of the 10-year requirement, the 10 years of creditable service may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8.

A. Effective October 1, 1999, the creditable service and age requirements of this subsection may not be increased for a member who on or before October 1, 1999 met either of the requirements for eligibility for service retirement benefits under this subsection, whether or not the member is in service on October 1, 1999. [PL 1999, c. 489, §7 (NEW).]

B. For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV, or 10 years of combined creditable service under this Part and Title 3, chapter 29, or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1999, c. 489, §7 (NEW).]

[PL 2007, c. 491, §147 (AMD).]

1-C. Member in service at retirement; fewer than 10 years creditable service on July 1, 1993.

A member who on July 1, 1993, had neither 10 years of creditable service nor had reached 60 years of age with one year of creditable service immediately before July 1, 1993 who is in service at retirement, qualifies for a service retirement benefit if the member retires upon or after reaching 62 years of age and:

A. Has been in service for a minimum of one year immediately before retirement or has at least 10 years of creditable service, which, for the purpose of determining completion of the 10-year

requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; or [PL 2007, c. 491, §148 (AMD).]

B. Effective October 1, 1999, is in service on October 1, 1999 and had fewer than 10 years of creditable service on July 1, 1993, including any person who was not in service on July 1, 1993, and:

- (1) Is in service upon or after reaching 62 years of age;
- (2) Has been in service for a minimum of one year immediately before retirement or has at least 5 years of creditable service, which, for the purpose of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; and
- (3) Meets the applicability requirements of subsection 3-A. [PL 2007, c. 491, §149 (AMD).]

When a member has met either of the creditable service requirements set out in either paragraph A or paragraph B, subparagraph (2) for eligibility to receive a service retirement benefit under this subsection, the creditable service and age requirements of this subsection may not be increased for that member.

[PL 2007, c. 491, §§148, 149 (AMD).]

1-D. Member in service at retirement; at least 5 years creditable service on July 1, 2011.

Eligibility for retirement for a member who on July 1, 2011 had at least 5 years of creditable service is governed by subsection 1-B if the member had 10 years of creditable service on July 1, 1993 or was 60 years of age and had been in service for a minimum of one year immediately before July 1, 1993 or by subsection 1-C if the member had less than 10 years of creditable service on July 1, 1993 and had not reached 60 years of age with one year of creditable service immediately before July 1, 1993. For the purpose of calculating creditable service under this subsection only, creditable service includes:

A. Creditable service available to a member that the member was eligible to purchase on June 30, 2011 and that the member does purchase in accordance with rules adopted by the board; and [PL 2011, c. 380, Pt. T, §12 (NEW).]

B. Creditable service for which the member makes payment for certain days off without pay during fiscal year 2009-10 or fiscal year 2010-11. The amount of the required payment must be made in accordance with section 17704-B and payment may be made at any time prior to retirement. [PL 2011, c. 380, Pt. T, §12 (NEW).]

[PL 2011, c. 380, Pt. T, §12 (NEW).]

1-E. Member in service at retirement; fewer than 5 years creditable service on July 1, 2011.

A member who on July 1, 2011 had neither 5 years of creditable service nor had reached 62 years of age with one year of creditable service immediately before July 1, 2011 who is in service at retirement qualifies for a service retirement benefit if the member retires upon or after reaching 65 years of age.

The creditable service and age requirements of this subsection may not be increased for a member who:

A. Has been in service for a minimum of one year immediately before retirement or has at least 5 years of creditable service, which, for the purpose of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; or [PL 2011, c. 380, Pt. T, §13 (NEW).]

B. Meets the applicability requirements of subsection 3-A. [PL 2011, c. 380, Pt. T, §13 (NEW).]
[PL 2011, c. 380, Pt. T, §13 (NEW).]

2. Member not in service; 10 years of creditable service on July 1, 1993.

[PL 1999, c. 489, §8 (RP).]

2-A. Member not in service; less than 10 years creditable service on July 1, 1993.

[PL 1999, c. 489, §9 (RP).]

2-B. Member not in service at retirement; 10 years of creditable service on July 1, 1993. A member who on July 1, 1993 had 10 years of creditable service and who is not in service at retirement qualifies for a service retirement benefit upon or after reaching 60 years of age. For the purpose of determining completion of the 10-year requirement, the 10 years of creditable service may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8.

A. Effective October 1, 1999, the creditable service and age requirements of this subsection may not be increased for a member who on or before October 1, 1999 met the creditable service requirements for eligibility for service retirement benefits under this subsection, whether or not the member is in service on October 1, 1999. [PL 1999, c. 489, §10 (NEW).]

B. For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV, or 10 years of combined creditable service under this Part and Title 3, chapter 29 or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1999, c. 489, §10 (NEW).]

[PL 2007, c. 491, §150 (AMD).]

2-C. Member not in service at retirement; fewer than 10 years creditable service on July 1, 1993. A member who on July 1, 1993, did not have 10 years of creditable service and who is not in service at retirement qualifies for a service retirement benefit if the member retires upon or after reaching 62 years of age and:

A. Has at least 10 years of creditable service, which, for the purpose of determining completion of the 10-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; or [PL 2007, c. 491, §151 (AMD).]

B. Effective October 1, 1999, is in service on October 1, 1999, had left service prior to October 1, 1999 with or without withdrawing that member's contributions and on or after October 1, 1999 returns to service or is first in service on or after October 1, 1999 and:

(1) Has reached 62 years of age; and

(2) Has at least 5 years of creditable service, which, for the purpose of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8. [PL 2007, c. 491, §152 (AMD).]

When a member has met the creditable service requirement set out in paragraph A or paragraph B, subparagraph (2) for eligibility to receive a service retirement benefit under this subsection, the creditable service and age requirements of this subsection may not be increased for that member.

[PL 2007, c. 491, §§151, 152 (AMD).]

2-D. Member not in service at retirement; at least 5 years creditable service on July 1, 2011. Eligibility for retirement for a member who is not in service at retirement and who on July 1, 2011 had at least 5 years of creditable service is governed by subsection 2-B if the member had 10 years of creditable service on July 1, 1993 or by subsection 2-C if the member had less than 10 years of creditable service on July 1, 1993. For the purpose of calculating creditable service under this subsection only, creditable service includes:

A. Creditable service available to a member that the member was eligible to purchase on June 30, 2011 and that the member does purchase in accordance with rules adopted by the board; and [PL 2011, c. 380, Pt. T, §14 (NEW).]

B. Creditable service for which the member makes payment for certain days off without pay during fiscal year 2009-10 or fiscal year 2010-11. The amount of the required payment must be made in accordance with section 17704-B and payment may be made at any time prior to retirement. [PL 2011, c. 380, Pt. T, §14 (NEW).]

[PL 2011, c. 380, Pt. T, §14 (NEW).]

2-E. Member not in service at retirement; fewer than 5 years creditable service on July 1, 2011. A member who on July 1, 2011 did not have 5 years of creditable service and who is not in service at retirement qualifies for a service retirement benefit if the member retires upon or after reaching 65 years of age.

The creditable service and age requirements of this subsection may not be increased for a member who:

A. Has at least 5 years of creditable service, which, for the purpose of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; or [PL 2011, c. 380, Pt. T, §15 (NEW).]

B. Meets the applicability requirements of subsection 3-A. [PL 2011, c. 380, Pt. T, §15 (NEW).]
[RR 2011, c. 1, §8 (COR).]

3. Member with creditable service of 25 years or more whether or not in service at retirement.

A member, whether or not in service at retirement, who has completed 25 or more years of creditable service qualifies for a service retirement benefit if the member retires at any time after completing 25 years of service, which may include, for the purpose of determining completion of the 25-year requirement, creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8.

A. [PL 1987, c. 256, §14 (RP).]

B. [PL 1987, c. 256, §14 (RP).]

C. Effective October 1, 1999, the number of years required to qualify for a service retirement benefit under this subsection may not be increased for members who on October 1, 1999 have met the creditable service requirement for eligibility to receive a service retirement benefit under subsection 1-B; subsection 2-B; subsection 1-C, paragraph A; subsection 1-C, paragraph B; subsection 2-C, paragraph A; or subsection 2-C, paragraph B, or who, after October 1, 1999, meet the creditable service requirement for eligibility to receive a service retirement benefit under subsection 1-C, paragraph B or subsection 2-C, paragraph B. [PL 1999, c. 489, §11 (NEW).]

[PL 2007, c. 491, §153 (AMD).]

3-A. Five-year minimum creditable service requirement for eligibility to receive a service retirement benefit at the applicable age; applicability. The minimum requirement of 5 years of creditable service for eligibility to receive service retirement benefits under subsection 1-C, paragraph B, subsection 2-C, paragraph B and subsections 2-D and 2-E applies only to:

A. A member who is in service on October 1, 1999; [PL 1999, c. 489, §12 (NEW).]

B. Upon return to service, a member who had left service prior to October 1, 1999 with or without withdrawing that member's contributions and on or after October 1, 1999 returns to service; or [PL 1999, c. 756, §15 (AMD).]

C. A member who is first in service on or after October 1, 1999. [PL 1999, c. 756, §15 (AMD).]

For other members to whom subsections 1-C, 2-C, 2-D and 2-E apply, the 10 years of creditable service requirement for eligibility to receive a service retirement benefit at the applicable age remains in effect on and after October 1, 1999.

[PL 2011, c. 380, Pt. T, §16 (AMD).]

4. State police. A state police officer or other employee of the Bureau of State Police qualifies for a service retirement benefit if that state police officer or employee:

A. Became a state police officer after July 9, 1943, but before September 16, 1984, and retires after completing 20 years of creditable service as a state police officer, which may include creditable service under section 17760, subsection 1, but may not include creditable service under section 17760, subsection 3; or [PL 2003, c. 693, §4 (AMD).]

B. Became a state police officer after September 15, 1984 or a special agent investigator before June 21, 1982 and completed 25 years of creditable service as a state police officer or special agent investigator, which may include creditable service under section 17760. [PL 2001, c. 181, §7 (AMD).]

[PL 2003, c. 693, §4 (AMD).]

5. Inland Fisheries and Wildlife officers. Except as provided in section 17851-A, a law enforcement officer in the Department of Inland Fisheries and Wildlife qualifies for a service retirement benefit if the officer:

A. Was employed in that capacity before September 1, 1984; and [PL 1985, c. 801, §§5,7 (NEW).]

B. Retires after completing 20 years of creditable service in that capacity, which may include creditable service under section 17760, subsection 1, but may not include creditable service under section 17760, subsection 3. [PL 2003, c. 693, §5 (AMD).]

[PL 2003, c. 693, §5 (AMD).]

5-A. Inland Fisheries and Wildlife officers after August 31, 1984; option. Except as provided in section 17851-A, a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 5-A.

[PL 1997, c. 769, §4 (AMD).]

5-B. Inland fisheries and wildlife officers after August 31, 1984. Beginning September 1, 2002 and subject to subsection 5-C, a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit after completing at least 25 years of creditable service in that capacity.

[PL 2001, c. 559, Pt. RR, §3 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

5-C. Inland fisheries and wildlife officers; contingent qualification for benefits. Notwithstanding subsection 5-A and section 17851-A, subsection 1, paragraph B, the qualification for a service retirement benefit for a law enforcement officer in the Department of Inland Fisheries and Wildlife who was first employed after August 31, 1984 is governed by the provisions of subsection 5-B for all service earned in a covered capacity upon certification by the chief executive officer of the retirement system to the Governor and the Commissioner of Inland Fisheries and Wildlife that all liabilities associated with that service have been paid in full by the State to the system.

[PL 2007, c. 491, §154 (AMD); PL 2021, c. 548, §45 (REV).]

6. Marine Resources officers. Except as provided in section 17851-A, a law enforcement officer in the Department of Marine Resources qualifies for a service retirement benefit if the officer:

A. Was employed in that capacity before September 1, 1984; and [PL 1985, c. 801, §§5,7 (NEW).]

B. Retires after completing 20 years of creditable service in that capacity, which may include creditable service under section 17760, subsection 1, but may not include creditable service under section 17760, subsection 3. [PL 2003, c. 693, §6 (AMD).]

[PL 2003, c. 693, §6 (AMD).]

6-A. Marine resources officers after August 31, 1984; option. Except as provided in section 17851-A, a law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 6-A.

[PL 1997, c. 769, §6 (AMD).]

6-B. Marine resources officers after August 31, 1984. Beginning September 1, 2002 and subject to subsection 6-C, a law enforcement officer in the Department of Marine Resources who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit after completing at least 25 years of creditable service in that capacity.

[PL 2001, c. 559, Pt. RR, §4 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

6-C. Marine resources officers; contingent qualification for benefits. Notwithstanding subsection 6-A and section 17851-A, subsection 1, paragraph A, the qualification for a service retirement benefit for a law enforcement officer in the Department of Marine Resources who was first employed after August 31, 1984 is governed by the provisions of subsection 6-B for all service earned in a covered capacity upon certification by the chief executive officer of the retirement system to the Governor and the Commissioner of Marine Resources that all liabilities associated with that service have been paid in full by the State to the system.

[PL 2007, c. 491, §155 (AMD); PL 2021, c. 548, §45 (REV).]

7. Marine Resources commissioner or deputy. A commissioner or deputy commissioner of the Department of Marine Resources qualifies for a service retirement benefit if he:

A. Qualifies under subsection 6; and [PL 1985, c. 801, §§5, 7 (NEW).]

B. Contributed or had pick-up contributions made by the employer as a law enforcement officer under section 17710, subsection 1. [PL 1987, c. 739, §§26,48 (AMD).]

[PL 1987, c. 739, §§26,48 (AMD).]

8. Forest rangers. Except as provided in section 17851-A, a forest ranger in the Department of Agriculture, Conservation and Forestry qualifies for a service retirement benefit if the forest ranger:

A. Was employed in that capacity before September 1, 1984; and [PL 1985, c. 801, §§5,7 (NEW).]

B. Retires upon reaching 50 years of age or upon completion of 25 years of creditable service in that capacity, whichever is later. [PL 1985, c. 801, §§5,7 (NEW).]

[PL 1997, c. 769, §7 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

8-A. Forest rangers after August 31, 1984; option. Except as provided in section 17851-A, a forest ranger in the Department of Agriculture, Conservation and Forestry who was first employed in that capacity after August 31, 1984 or who, if employed in that capacity before August 31, 1984, ceased to be employed in that capacity on or before that date and who subsequently became reemployed in that capacity after that date qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 7-A.

[PL 1997, c. 769, §8 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

9. Airplane pilots. Except as provided in section 17851-A, an airplane pilot employed by the State qualifies for a service retirement benefit if that pilot:

A. Was employed in that capacity before September 1, 1984; [PL 1985, c. 801, §§5,7 (NEW).]

B. Completes at least 25 years of creditable service in that capacity; and [PL 1985, c. 801, §§5,7 (NEW).]

C. Retires upon or after reaching age 55. [PL 1985, c. 801, §§5,7 (NEW).]

[PL 1997, c. 769, §9 (AMD).]

10. Liquor inspectors. Except as provided in subsection 10-A and in section 17851-A, a liquor inspector, including the chief inspector, qualifies for a service retirement benefit if that inspector:

A. Was employed in that capacity before September 1, 1984; [PL 1985, c. 801, §§5,7 (NEW).]

B. Completes at least 25 years of creditable service in that capacity; and [PL 1985, c. 801, §§5,7 (NEW).]

C. Retires upon or after reaching age 55. [PL 1985, c. 801, §§5,7 (NEW).]

[PL 2003, c. 451, Pt. GG, §1 (AMD).]

10-A. Liquor inspectors laid off pursuant to public law. This subsection applies to any liquor inspector, including the chief inspector, who:

A. Began employment as a liquor inspector or chief inspector prior to September 1, 1984; [PL 2003, c. 451, Pt. GG, §2 (NEW).]

B. Was serving in that capacity on September 1, 1984; and [PL 2003, c. 451, Pt. GG, §2 (NEW).]

C. Was laid off as a liquor inspector or chief inspector pursuant to Public Law 2003, chapter 20. [PL 2003, c. 451, Pt. GG, §2 (NEW).]

Notwithstanding any other law, a liquor inspector or chief inspector covered by this subsection who did not complete the age or service requirements for retirement under section 17851, subsection 10 prior to being laid off and who subsequently earns service in any special or regular plan covered by the State Employee and Teacher Retirement Program qualifies for a service retirement benefit upon completing at least 25 years of service and attaining 55 years of age.

[PL 2007, c. 491, §156 (AMD).]

11. Maine State Prison employees. Except as provided in section 17851-A, the warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees or as an advocate at the Maine State Prison qualifies for a service retirement benefit if that person:

A. Was employed in one of those capacities before September 1, 1984 and:

(1) Completes 20 years of creditable service in one or more of those capacities; and

(2) Retires upon or after reaching the age of 50 years; or [PL 1991, c. 857, §2 (AMD).]

B. Was employed in one of those capacities after August 31, 1984 and before January 1, 2000 and completed 25 years of creditable service in one or more of those capacities. [PL 1999, c. 493, §1 (AMD).]

Notwithstanding any other provision in this section, no person in the employ of the Bangor Pre-Release Center on August 4, 1988 who would have qualified for a service retirement benefit if the Bangor Pre-Release Center had remained the administrative responsibility of the Maine State Prison may be denied such a benefit by virtue of the transfer of that responsibility to the former Charleston Correctional Facility.

A person in the employ of the Bangor Pre-Release Center to whom paragraph A applies and who is employed at the Bangor Pre-Release Center on June 30, 2000 remains covered under paragraph A notwithstanding the closing of the Bangor Pre-Release Center if the person is thereafter and without a break in service employed in a capacity to which this subsection or section 17851-A, subsection 1, paragraph I applies or if not thereafter employed in such a capacity but having qualified at the time of the closing of the Bangor Pre-Release Center for retirement under paragraph A, retires then or at a later time.

[PL 2017, c. 148, §1 (AMD).]

12. Baxter State Park Authority rangers; option. Except as provided in section 17851-A, a law enforcement officer in the employment of the Baxter State Park Authority qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 11.

[PL 1999, c. 493, §2 (AMD).]

13. Fire marshals; option. Except as provided in section 17851-A, a state fire marshal, state fire marshal investigator or state fire marshal inspector qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 13.

[PL 1999, c. 493, §3 (AMD).]

14. Motor vehicle detectives; option. Except as provided in section 17851-A, a motor vehicle detective, senior motor vehicle detective, principal motor vehicle detective or chief motor vehicle detective qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 15.

[PL 2019, c. 541, §1 (AMD).]

15. Limitation to increases in creditable service or age requirements. Effective October 1, 1999, whether or not the member is in service on October 1, 1999, the creditable service requirement, or combined age and creditable service requirement, for eligibility to receive a service retirement benefit under subsections 4 to 14 may not be increased for a member who on October 1, 1999 or thereafter meets the creditable service requirements under subsections 4 to 14, respectively.

[PL 1999, c. 489, §13 (NEW).]

16. Member whose position is moved from one special plan to another special plan. A member whose position is subject to subsection 4, 5-B, 6-B or 7, section 17851-A or section 17851-B and, due to a change in law, becomes subject to different benefit qualification requirements may retire under the former benefit qualification requirements and the associated benefit computation provisions if the member remains in the position until the former requirements would have been met had the change in law not occurred.

[PL 2021, c. 548, §28 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §§12-14 (AMD). PL 1987, c. 670 (AMD). PL 1987, c. 739, §§26,48 (AMD). PL 1989, c. 78, §§1,2 (AMD). PL 1991, c. 528, §§EEE5-8 (AMD). PL 1991, c. 528, §§EEE18,RRR (AFF). PL 1991, c. 591, §§EEE5-8 (AMD). PL 1991, c. 591, §EEE18 (AFF). PL 1991, c. 857, §2 (AMD). PL 1993, c. 410, §§L32-35 (AMD). PL 1995, c. 466, §§A2,B3,C2 (AMD). PL 1995, c. 624, §§2-4 (AMD). PL 1997, c. 401, §2 (AMD). PL 1997, c. 740, §3 (AMD). PL 1997, c. 740, §6 (AFF). PL 1997, c. 769, §§2-9 (AMD). PL 1997, c. 769, §10 (AMD). PL 1999, c. 127, §§A12,B1 (AMD). PL 1999, c. 489, §§5-13 (AMD). PL 1999, c. 493, §§1-3 (AMD). PL 1999, c. 731, §§CC3,CCC1 (AMD). PL 1999, c. 756, §§10-15 (AMD). PL 2001, c. 181, §7 (AMD). PL 2001, c. 559, §§RR3,4 (AMD). PL 2001, c. 559, §RR17 (AFF). PL 2003, c. 451, §§GG1,2 (AMD). PL 2003, c. 693, §§4-6 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§147-156 (AMD). RR 2011, c. 1, §8 (COR). PL 2011, c. 380, Pt. T, §§12-16 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2017, c. 148, §1 (AMD). PL 2017, c. 229, §2 (AMD). PL 2019, c. 541, §1 (AMD). PL 2021, c. 548, §28 (AMD). PL 2021, c. 548, §45 (REV).

§17851-A. 1998 Special Plan established

1. Establishment and applicability. Effective July 1, 1998, there is established a special retirement plan to be known as the 1998 Special Plan. The 1998 Special Plan applies to members in the following capacities:

A. Until September 1, 2002, law enforcement officers in the employment of the Department of Marine Resources on July 1, 1998, or hired thereafter; [PL 2001, c. 559, Pt. RR, §5 (AMD); PL 2001, c. 559, Pt. RR, §17 (AFF).]

B. Until September 1, 2002, law enforcement officers in the employment of the Department of Inland Fisheries and Wildlife on July 1, 1998, or hired thereafter; [PL 2001, c. 559, Pt. RR, §5 (AMD); PL 2001, c. 559, Pt. RR, §17 (AFF).]

C. Forest rangers in the employment of the former Department of Conservation on July 1, 1998, or hired thereafter by the former Department of Conservation or the Department of Agriculture, Conservation and Forestry; [PL 2013, c. 405, Pt. D, §2 (AMD).]

D. [PL 1999, c. 731, Pt. CC, §4 (RP).]

E. Maine State Prison employees to whom section 17851, subsection 11, paragraph B applies and who were employed after August 31, 1984 and before January 1, 2000; [PL 1999, c. 493, §4 (AMD).]

F. Airplane pilots in the employment of the State on July 1, 1998, or hired thereafter; [PL 1997, c. 769, §11 (NEW).]

G. Liquor inspectors, including the Chief Inspector, in the employment of the Department of Public Safety, Bureau of Liquor Enforcement on July 1, 1998, or hired thereafter by the Department of Public Safety, Bureau of Liquor Enforcement or the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations; [PL 2013, c. 368, Pt. V, §4 (AMD).]

H. Firefighters in the employment of the Department of Defense, Veterans and Emergency Management at Bangor International Airport on July 1, 1998, or hired thereafter, provided the Federal Government pays annually to the retirement system the full employer cost of the participation of these employees; [PL 1999, c. 493, §5 (AMD).]

I. Employees of the Department of Corrections or the Department of Administrative and Financial Services on January 1, 2000 or hired thereafter, other than those described in paragraph E, who are employed in a correctional facility, as defined in Title 34-A, section 1001; or those whose duties

involve contact with prisoners, probationers, parolees or juvenile offenders or any person employed as the supervisor of those employees. Those employees of the Department of Corrections on January 3, 2006 whose positions were transferred to the Department of Administrative and Financial Services remain eligible for the 1998 Special Retirement Plan as long as they are assigned to work in a correctional facility, as defined in Title 34-A, section 1001, or their duties involve contact with prisoners, probationers, parolees or juvenile offenders. An employee of the Department of Administrative and Financial Services hired after January 3, 2006 to replace an employee whose position was transferred and who remained eligible for the 1998 Special Retirement Plan is also eligible for the plan as long as that employee is assigned to work in a correctional facility, as defined in Title 34-A, section 1001, and that employee's duties involve contact with prisoners, probationers, parolees or juvenile offenders; [PL 2005, c. 519, Pt. FF, §1 (AMD).]

J. Law enforcement officers in the employment of the Baxter State Park Authority on January 1, 2000 or hired thereafter; [PL 2001, c. 409, §1 (AMD).]

K. The State Fire Marshal, the assistant state fire marshal-inspections or a state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30, 2020, a state fire marshal investigator, a state fire marshal senior investigator, a state fire marshal sergeant or an assistant state fire marshal-investigations in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; [PL 2021, c. 398, Pt. LLL, §1 (AMD); PL 2021, c. 474, §1 (AMD).]

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or hired thereafter; [PL 2019, c. 537, §1 (AMD); PL 2019, c. 541, §2 (AMD); PL 2019, c. 542, §1 (AMD).]

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; [RR 2019, c. 2, Pt. A, §2 (COR).]

N. Emergency communications specialists, emergency communications specialist - leads, emergency communications specialist - supervisors and emergency dispatch system administrators in the employment of the Department of Public Safety on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter; [PL 2021, c. 398, Pt. KKK, §1 (AMD); PL 2021, c. 474, §2 (AMD).]

REVISOR'S NOTE: (Paragraph N as enacted by PL 2019, c. 541, §4 is REALLOCATED TO TITLE 5, SECTION 17851-A, SUBSECTION 1, PARAGRAPH O)

REVISOR'S NOTE: (Paragraph N as enacted by PL 2019, c. 542, §3 is REALLOCATED TO TITLE 5, SECTION 17851-A, SUBSECTION 1, PARAGRAPH P)

O. **(REALLOCATED FROM T. 5, §17851-A, sub-§1, ¶N)** Detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter; [PL 2021, c. 474, §3 (AMD).]

P. **(REALLOCATED FROM T. 5, §17851-A, sub-§1, ¶N)** Detectives in the employment of the Office of the Attorney General on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter; and [PL 2021, c. 474, §4 (AMD).]

Q. Civilian employees whose job responsibilities include the handling, examination or analysis of digital or physical evidence in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit on October 1, 2021 who elect to participate in the 1998 Special Plan or hired thereafter. [PL 2021, c. 474, §5 (NEW).]

[PL 2021, c. 398, Pt. KKK, §1 (AMD); PL 2021, c. 398, Pt. LLL, §1 (AMD); PL 2021, c. 474, §§1-5 (AMD).]

2. Qualification for benefits. A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any employee identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; after September 30, 2021 for employees identified in subsection 1, paragraph Q; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or [PL 2003, c. 510, Pt. D, §1 (RPR); PL 2003, c. 510, Pt. D, §§6,7 (AFF).]

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment. [PL 2003, c. 510, Pt. D, §1 (RPR); PL 2003, c. 510, Pt. D, §§6,7 (AFF).]

[PL 2021, c. 474, §6 (AMD).]

3. Purchase of service credit to be used for qualification for benefits. This subsection governs the use of purchased service credit in order to qualify for benefits.

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

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraphs L and M regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included. [PL 2021, c. 474, §7 (AMD).]

B. For the purpose of meeting the qualification requirement of subsection 2, paragraph B:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included if the time to which the refund relates was served in any one or a combination of the capacities specified in subsection 1, regardless of whether the time was served before or after the establishment of the 1998 Special Plan; and

(2) Service credit purchased other than as provided under subparagraph (1) is not included, except that service credit purchased for military service or for law enforcement service pursuant to section 17767 is included. [PL 2019, c. 459, §2 (AMD).]

[PL 2021, c. 474, §7 (AMD).]

4. Computation of benefits. The amount of the service retirement benefit for members qualified under subsection 2 must be computed as follows.

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees

identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

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

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age. [PL 2021, c. 474, §8 (AMD).]

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees

identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; before July 1, 2020 for employees identified in subsection 1, paragraphs N to P; and before October 1, 2021 for employees identified in subsection 1, paragraph Q, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or
 - (b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and
- (2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q must be

computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age. [PL 2021, c. 474, §9 (AMD).]

C. [PL 1999, c. 731, Pt. CC, §6 (RP).]

D. The service retirement benefit of a member who is a Maine State Prison employee to whom subsection 1, paragraph E applies, and who qualifies for service retirement benefits under subsection 2, paragraph B, must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph E regardless of whether the creditable service was earned before, on or after July 1, 1998, except that:

- (1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C, subparagraphs (1) and (2); or
- (2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 10, paragraph C-1. [PL 2001, c. 409, §5 (RPR).]

E. The service retirement benefit of a member to whom subsection 1, paragraph L applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph L, regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

- (1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or
- (2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age. [PL 2001, c. 409, §5 (NEW).]

F. The service retirement benefit of a member to whom subsection 1, paragraph M applies and who qualifies for service retirement benefits under subsection 2 must be computed under section 17852, subsection 1, paragraph A on the basis of all of the member's creditable service in the capacity specified in subsection 1, paragraph M, regardless of when that creditable service was earned, except that for a member qualifying under subsection 2, paragraph B:

- (1) If the member had 10 years of service on July 1, 1993, the benefit must be reduced as provided in section 17852, subsection 3, paragraphs A and B for each year the member's age precedes 55 years of age; or
- (2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit must be reduced by 6% for each year that the member's age precedes 55 years of age. [PL 2017, c. 439, §4 (NEW).]

[PL 2021, c. 474, §§8, 9 (AMD).]

5. Contributions. Notwithstanding any other provision of subchapter 3, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for

employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraphs N to P; and after September 30, 2021 for employees identified in subsection 1, paragraph Q, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter. [PL 2021, c. 474, §10 (AMD).]

6. Consequences of participation in retirement plan under section 17851, subsection 5-A, 6-A or 8-A. Notwithstanding any other provision of law, a member in the capacities specified in subsection 1 who, prior to July 1, 1998 elected the retirement option provided in section 17851, subsection 5-A, 6-A or 8-A is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection 5-A, 6-A and 8-A is considered to be a member under the 1998 Special Plan as of the date of hire. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §158 (AMD).]

B. A member who was serving in a position covered under section 17851, subsection 5-A, 6-A or 8-A at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §158 (AMD).]

C. A member who was serving in a position covered under section 17851, subsection 5-A, 6-A or 8-A at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, provided that all of the payments required under section 17852, subsection 5-A, 6-A or 7-A are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 1998, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §158 (AMD).]

Employee contributions and actuarial and administrative costs paid to the State Employee and Teacher Retirement Program by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705-A.

[PL 2007, c. 491, §158 (AMD).]

6-A. Consequences of participation in retirement plan under section 17851, subsection 12 or 13. A member in the capacities specified in subsection 1, paragraphs J and K who, prior to January 1, 2000, elected the retirement option provided in section 17851, subsection 12 or 13 is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection 12 or 13 is considered to be a member under the 1998 Special Plan as of

the date of hire. Beginning January 1, 2000, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §159 (AMD).]

B. A member who was serving in a position covered under section 17851, subsection 12 or 13 at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning January 1, 2000, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §159 (AMD).]

C. A member who was serving in a position covered under section 17851, subsection 12 or 13 at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, as long as all of the payments required under section 17852, subsection 12 or 13 are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning January 1, 2000, for employees identified in subsection 1, paragraphs J and K, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2007, c. 491, §159 (AMD).]

Employee contributions and actuarial and administrative costs paid to the State Employee and Teacher Retirement Program by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705-A.

[PL 2007, c. 491, §159 (AMD).]

6-B. Consequences of participation in retirement plan under section 17851, subsection 14. A member in the capacity specified in subsection 1, paragraph O who, prior to July 1, 2020, elected the retirement option provided in section 17851, subsection 14 is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection 14 is considered to be a member under the 1998 Special Plan as of the date of hire. Beginning July 1, 2020, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2019, c. 541, §10 (NEW).]

B. A member who was serving in a position covered under section 17851, subsection 14 at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 2020, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2019, c. 541, §10 (NEW).]

C. A member who was serving in a position covered under section 17851, subsection 14 at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same

capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, as long as all of the payments required under section 17852, subsection 15 are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 2020, for employees identified in subsection 1, paragraph O, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter. [PL 2021, c. 293, Pt. B, §3 (AMD).]

Employee contributions and actuarial and administrative costs paid to the State Employee and Teacher Retirement Program by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705-A.

[PL 2021, c. 293, Pt. B, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 769, §11 (NEW). PL 1999, c. 489, §14 (AMD). PL 1999, c. 493, §§4-10 (AMD). PL 1999, c. 731, §§CC4-6 (AMD). PL 2001, c. 409, §§1-6 (AMD). PL 2001, c. 559, §§RR5-9 (AMD). PL 2001, c. 559, §RR17 (AFF). PL 2001, c. 646, §§1-12 (AMD). PL 2003, c. 510, §§D1-5 (AMD). PL 2003, c. 510, §§D6,7 (AFF). PL 2005, c. 519, §FF1 (AMD). PL 2007, c. 137, §§14, 15 (AMD). PL 2007, c. 491, §§157-159 (AMD). PL 2009, c. 317, Pt. E, §§15, 16 (REV). PL 2013, c. 368, Pt. V, §4 (AMD). PL 2013, c. 405, Pt. D, §2 (AMD). PL 2017, c. 439, §§1-4 (AMD). PL 2019, c. 459, §2 (AMD). PL 2019, c. 482, §1 (AMD). PL 2019, c. 537, §§1-8 (AMD). PL 2019, c. 541, §§2-10 (AMD). PL 2019, c. 542, §§1-8 (AMD). RR 2019, c. 2, Pt. A, §§2-9 (COR). PL 2021, c. 293, Pt. B, §3 (AMD). PL 2021, c. 398, Pt. KKK, §1 (AMD). PL 2021, c. 398, Pt. LLL, §1 (AMD). PL 2021, c. 474, §§1-10 (AMD).

§17851-B. Special plan for fire marshal investigators and fire marshal sergeants

1. Establishment and applicability. Effective July 1, 2020, there is established a special retirement plan for fire marshal investigators, fire marshal senior investigators, fire marshal sergeants and assistant state fire marshal-investigations, referred to in this section as "the special plan." The special plan applies to a state fire marshal investigator, state fire marshal senior investigator, state fire marshal sergeant and assistant state fire marshal-investigations.

[PL 2021, c. 398, Pt. LLL, §2 (AMD).]

2. Qualification for benefits. A member employed in any of the positions specified in subsection 1 qualifies for a service retirement benefit after completing 20 years of creditable service in that capacity, whether or not the creditable service included in determining that the 20-year requirement has been met was earned under the special plan established in this section or prior to its establishment.

[PL 2019, c. 482, §2 (NEW).]

3. Purchase of service credit to be used for qualification for benefits. This subsection governs the use of purchased service credit in order to qualify for benefits under this section. For the purpose of meeting the qualification requirement of subsection 2:

A. Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included if the time to which the refund relates was served in any one or a combination of the positions specified in subsection 1, regardless of whether the time was served before or after the establishment of the special plan; and [PL 2019, c. 482, §2 (NEW).]

B. Service credit purchased other than as provided under paragraph A is not included. [PL 2019, c. 482, §2 (NEW).]

[PL 2019, c. 482, §2 (NEW).]

4. Computation of benefits. The amount of the service retirement benefit for members qualified under subsection 2 is 1/2 of the person's average final compensation and an additional 2% of the person's average final compensation for each year of membership service not included in determining qualification under subsection 2.

[PL 2019, c. 482, §2 (NEW).]

5. Contributions. Notwithstanding any other provision of subchapter 3, after June 30, 2020, a member in a position specified in subsection 1 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 20 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

[PL 2019, c. 482, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 482, §2 (NEW). PL 2021, c. 398, Pt. LLL, §2 (AMD).

§17852. Computation of benefit

1. Member in service at retirement. The amount of the service retirement benefit for members qualified under section 17851, subsection 1-B, 1-C, 1-D or 1-E must be computed as follows:

A. One-fiftieth of the member's average final compensation multiplied by the number of years of membership service and up to 25 years of prior service. Membership service under this paragraph does not include creditable service under the Legislative Retirement Program; [PL 2007, c. 491, §160 (AMD).]

B. The total amount of the service retirement benefit of any member qualifying under section 17851, subsection 1-B, 1-C, 1-D or 1-E who became a member before July 1, 1947, and for whom the date of establishment of the retirement system is July 1, 1942, must be at least equal to 1/2 of the member's average final compensation, if the member has at least 20 years of total creditable service, including at least 13 years of prior service if the member retires upon or after reaching age 70; or [PL 2011, c. 380, Pt. T, §17 (AMD).]

C. Effective October 1, 1999, for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851, subsection 1-B; section 17851, subsection 1-C, paragraph A; section 17851, subsection 1-C, paragraph B; section 17851, subsection 1-D; section 17851, subsection 1-E; section 17851, subsection 2-B; section 17851, subsection 2-C, paragraph A; section 17851, subsection 2-C, paragraph B; section 17851, subsection 2-D; or section 17851, subsection 2-E, the factors specified in paragraphs A and B may not be changed, alone or in combination. [PL 2011, c. 380, Pt. T, §17 (AMD).]

[PL 2011, c. 380, Pt. T, §17 (AMD).]

2. Member not in service at retirement. The amount of the service retirement benefit for members qualified under section 17851, subsection 2-B, 2-C, 2-D or 2-E must be computed in accordance with subsection 1.

[PL 2011, c. 380, Pt. T, §18 (AMD).]

3. Member with creditable service of 25 years or more; 10 years of creditable service on July 1, 1993. The amount of the service retirement benefit for members qualified under section 17851, subsection 3, is computed in accordance with subsection 1, except that:

A. The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at age 60 bears to the life annuity due at the age of retirement; [PL 1999, c. 489, §16 (AMD).]

B. For the purpose of making the computation under paragraph A, the board-approved tables of annuities in effect at the date of the member's retirement are used; and [PL 1999, c. 489, §16 (AMD).]

C. Effective October 1, 1999, the reduction to be applied to the service retirement benefit of a member to whom this subsection applies may not be greater than that in effect on October 1, 1999 under paragraphs A and B for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility to receive a service retirement benefit under section 17851, subsection 1-B; section 17851, subsection 1-C, paragraph A; section 17851, subsection 1-C, paragraph B; section 17851, subsection 2-A, paragraph A; section 17851, subsection 2-B; section 17851, subsection 2-C, paragraph B; or who after October 1, 1999, meets the creditable service requirement for eligibility to receive a service retirement benefit under section 17851, subsection 1-C, paragraph B or section 17851, subsection 2-C, paragraph B. For members to whom section 17851-A applies, this paragraph must be applied in accordance with the requirements of section 17851-A, subsection 4. [PL 1999, c. 489, §16 (NEW).]

This subsection applies to members who, on July 1, 1993, have 10 years of creditable service. For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, section F-6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV, or 10 years of combined creditable service under this Part and Title 3, chapter 29, or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

[PL 1999, c. 489, §16 (AMD).]

3-A. Member with creditable service of 25 years or more whether or not in service at retirement; fewer than 10 years of creditable service on July 1, 1993. The amount of the service retirement benefit for members qualified under section 17851, subsection 3, is computed in accordance with subsection 1, except that:

A. [PL 1993, c. 410, Pt. L, §37 (RP).]

B. [PL 1993, c. 410, Pt. L, §37 (RP).]

C. The benefit is reduced by 6% for each year that the member's age precedes 62 years of age; and [PL 1999, c. 489, §17 (NEW).]

D. Effective October 1, 1999, the reduction to be applied to the service retirement benefit of a member to whom this subsection applies may not be greater than that in effect on October 1, 1999 under paragraph C for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility to receive a service retirement benefit under section 17851, subsection 1-C, paragraph A; section 17851, subsection 1-C, paragraph B; section 17851, subsection 2-C, paragraph A; section 17851, subsection 2-C, paragraph B; or section 17851-A, subsection 2, paragraph A. For a member to whom section 17851-A applies, this paragraph must be applied in accordance with the requirements of section 17851-A, subsection 4. [PL 1999, c. 489, §17 (NEW).]

This subsection applies to members who, on July 1, 1993, do not have 10 years of creditable service. [PL 1999, c. 489, §17 (AMD).]

3-B. Member with creditable service of 25 years or more whether or not in service at retirement; fewer than 5 years of creditable service on July 1, 2011. The amount of the service retirement benefit for members qualified under section 17851, subsection 3 is computed in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the member's age precedes 65 years of age.

[PL 2011, c. 380, Pt. T, §19 (NEW).]

4. State police. The amount of the service retirement benefit for members qualified under section 17851, subsection 4, shall be computed as follows.

A. For a person qualifying under section 17851, subsection 4, paragraph A:

(1) The total amount of the service retirement benefit is:

(a) Except as provided in division (b), 1/2 of the person's average final compensation and an additional 2% of the person's average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 4, paragraph A; or

(b) If the benefit would be greater, the part of the person's service retirement benefit based upon membership service before July 1, 1976, determined, on a pro rata basis, on the person's current annual salary on the date of retirement and the part of the person's service retirement benefit based upon membership service after June 30, 1976, determined in accordance with division (a); and

(2) Upon the death of a state police officer who is receiving a retirement benefit after qualifying under section 17851, subsection 4, paragraph A, without optional modification, or is retired under article 3 or article 3-A, the surviving spouse is entitled to a retirement benefit that is 1/2 of the amount being paid at the time of the officer's death. The payment must continue for the remainder of the surviving spouse's lifetime.

For the purpose of this subparagraph, "surviving spouse" means the person the retired officer was married to at the time of retirement. If the retired officer was not married at the time of retirement or subsequent to retirement was divorced or widowed, the term means the person legally married to the officer at the time of the officer's death.

(3) Notwithstanding subparagraph (2), the benefit to which a surviving spouse is entitled under subparagraph (2) may be awarded in whole or in part to another person or persons under a domestic relations order that is determined to be a qualified domestic relations order under section 17059 and, when so awarded, the benefit must be distributed in accordance with the qualified domestic relations order. [PL 1997, c. 396, §1 (AMD); PL 1997, c. 396, §4 (AFF).]

B. For persons qualifying under section 17851, subsection 4, paragraph B, the retirement benefit must be computed in accordance with subsection 1. [PL 1999, c. 731, Pt. CC, §7 (AMD).]

C. [PL 1999, c. 731, Pt. CC, §8 (RP).]

C-1. [PL 1999, c. 731, Pt. CC, §9 (RP).]

C-2. [PL 1999, c. 731, Pt. CC, §10 (RP).]

[PL 1999, c. 731, Pt. CC, §§7-10 (AMD).]

5. Inland Fisheries and Wildlife officers. The amount of service retirement benefit for persons qualified under section 17851, subsection 5, shall be computed as follows.

A. The total amount of the service retirement benefit is:

(1) Except as provided in subparagraph (2), 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining qualifications under section 17851, subsection 5; or

(2) If his benefit would be greater, the part of his service retirement benefit based upon membership service before July 1, 1976, shall be determined, on a pro rata basis, on his current annual salary on the date of retirement and the part of his service retirement benefit based upon

membership service after June 30, 1976, shall be determined in accordance with subparagraph (1). [PL 1985, c. 801, §§5, 7 (NEW).]

B. Upon the death of a law enforcement officer of the Department of Inland Fisheries and Wildlife who is receiving a retirement benefit after qualifying under section 17851, subsection 5, without optional modification, or is retired under article 3 or article 3-A, the surviving spouse is entitled to a retirement benefit that is 1/2 of the amount being paid at the time of the officer's death. The payment must continue for the remainder of the surviving spouse's lifetime.

For the purpose of this paragraph, "surviving spouse" means the person the retired officer was married to at the time of retirement. If the retired officer was not married at the time of retirement or subsequent to retirement was divorced or widowed, the term means the person legally married to the officer at the time of the officer's death. [PL 1993, c. 387, Pt. A, §12 (AMD).]

C. Notwithstanding paragraph B, the benefit to which a surviving spouse is entitled under paragraph B may be awarded in whole or in part to another person or persons under a domestic relations order that is determined to be a qualified domestic relations order under section 17059 and, when so awarded, the benefit must be distributed in accordance with the qualified domestic relations order. [PL 1997, c. 396, §2 (NEW); PL 1997, c. 396, §4 (AFF).]
[PL 1997, c. 396, §2 (AMD); PL 1997, c. 396, §4 (AFF).]

5-A. Inland Fisheries and Wildlife officers after August 31, 1984; option. Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 5-A and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife on or after November 1, 1995, elects the option provided in section 17851, subsection 5-A and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2007, c. 491, §161 (AMD).]

B. The person was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife before November 1, 1995, elects the option provided in section 17851, subsection 5-A and pays to the State Employee and Teacher Retirement Program single or periodic payment of a lump sum or by a combination of single and periodic payments of the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution. [PL 2007, c. 491, §162 (AMD).]

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 5-A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 5-A at any time after the date on which the person is first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a law enforcement officer in the Department of Inland Fisheries and Wildlife on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than January 1, 1997.

[PL 2007, c. 491, §§161, 162 (AMD).]

5-B. Inland Fisheries and Wildlife officers exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 5-A, who makes the payments required in subsection 5-A, and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1995, c. 624, §6 (NEW).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 1995, c. 624, §6 (NEW).]

[PL 1997, c. 769, §13 (AMD).]

5-C. Inland fisheries and wildlife officers; benefit computation after September 1, 2002. On and after September 1, 2002, the retirement benefit of a law enforcement officer in the Department of Inland Fisheries and Wildlife who is qualified under section 17851, subsection 5-B is calculated as follows:

A. The portion of the retirement benefit that is based on service earned in the covered capacity prior to September 1, 2002 is computed in accordance with section 17851-A, subsection 4; and [PL 2001, c. 559, Pt. RR, §10 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

B. The portion of the retirement benefit that is based on service earned in the covered capacity on and after September 1, 2002 is computed in accordance with subsection 1. [PL 2001, c. 559, Pt. RR, §10 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

[PL 2001, c. 559, Pt. RR, §10 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

5-D. Inland fisheries and wildlife officers; contingent benefit computation. Notwithstanding subsection 5-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of Inland Fisheries and Wildlife who is qualified under section 17851, subsection 5-C is computed in accordance with subsection 5-C, paragraph B for all service in the covered capacity.

[PL 2001, c. 559, Pt. RR, §10 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

6. Marine Resources officers. The amount of service retirement benefit for persons qualified under section 17851, subsection 6, shall be computed as follows.

A. The total amount of the service retirement benefit is:

(1) Except as provided in subparagraph (2), 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 6 or 7; or

(2) If his benefit would be greater, the part of his service retirement benefit based upon membership service before July 1, 1976, shall be determined, on a pro rata basis, on his current annual salary on the date of retirement and the part of his service retirement benefit based upon membership service after June 30, 1976, shall be determined in accordance with subparagraph (1). [PL 1985, c. 801, §§5, 7 (NEW).]

B. Upon the death of a law enforcement officer of the Department of Marine Resources who is receiving a retirement benefit after qualifying under section 17851, subsection 6, without optional modification, or is retired under article 3 or article 3-A, the surviving spouse is entitled to a retirement benefit that is 1/2 of the amount being paid at the time of the officer's death. The payment must continue for the remainder of the surviving spouse's lifetime.

For the purpose of this paragraph, "surviving spouse" means the person the retired officer was married to at the time of retirement. If the retired officer was not married at the time of retirement or subsequent to retirement was divorced or widowed, the term means the person legally married to the officer at the time of the officer's death. [PL 1993, c. 387, Pt. A, §13 (AMD).]

C. Notwithstanding paragraph B, the benefit to which a surviving spouse is entitled under paragraph B may be awarded in whole or in part to another person or persons under a domestic relations order that is determined to be a qualified domestic relations order under section 17059 and, when so awarded, the benefit must be distributed in accordance with the qualified domestic relations order. [PL 1997, c. 396, §3 (NEW); PL 1997, c. 396, §4 (AFF).]

[PL 1997, c. 396, §3 (AMD); PL 1997, c. 396, §4 (AFF).]

6-A. Marine resources officers after August 31, 1984; option. Except as provided in section 17851-A, the retirement benefit of a person qualifying under section 17851, subsection 6-A who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a law enforcement officer in the Department of Marine Resources on or after November 1, 1995, elects the option provided in section 17851, subsection 6-A and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2007, c. 491, §163 (AMD).]

B. The person was first employed in that capacity before November 1, 1995, elects the option provided in section 17851, subsection 6-A and pays to the State Employee and Teacher Retirement Program by single or periodic payment of a lump sum or by a combination of single and periodic payments the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution. [PL 2007, c. 491, §164 (AMD).]

For the purpose of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 6-A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 6-A at any time after the date on which the person is first employed as a law enforcement officer in the Department of Marine

Resources must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a law enforcement officer in the Department of Marine Resources on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than January 1, 1997.

[PL 2007, c. 491, §§163, 164 (AMD).]

6-B. Marine resources officers exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 6-A, who makes the payments required in subsection 6-A and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

- (1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and
- (2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 2001, c. 559, Pt. RR, §11 (REEN); PL 2001, c. 559, Pt. RR, §17 (AFF).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 2001, c. 559, Pt. RR, §11 (REEN); PL 2001, c. 559, Pt. RR, §17 (AFF).]

[PL 2001, c. 559, Pt. RR, §11 (REEN); PL 2001, c. 559, Pt. RR, §17 (AFF).]

6-C. Marine resources officers; benefit computation after September 1, 2002. On and after September 1, 2002, the retirement benefit of a law enforcement officer in the Department of Marine Resources who is qualified under section 17851, subsection 6-B, is calculated as follows:

A. The portion of the retirement benefit that is based on service earned in the covered capacity prior to September 1, 2002 is computed in accordance with section 17851-A, subsection 4; and [PL 2001, c. 559, Pt. RR, §12 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

B. The portion of the retirement benefit that is based on service earned in the covered capacity on and after September 1, 2002 is computed in accordance with subsection 1. [PL 2001, c. 559, Pt. RR, §12 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

[PL 2001, c. 559, Pt. RR, §12 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

6-D. Marine resources officers; contingent benefit computation. Notwithstanding subsection 6-C, paragraph A, the retirement benefit of a law enforcement officer in the Department of Marine

Resources who is qualified under section 17851, subsection 6-C is computed in accordance with subsection 6-C, paragraph B for all service in the covered capacity.

[PL 2001, c. 559, Pt. RR, §12 (NEW); PL 2001, c. 559, Pt. RR, §17 (AFF).]

7. Forest rangers. The total amount of the service retirement benefit for persons qualified under section 17851, subsection 8, shall be computed as follows:

A. Except as provided in paragraph B, 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining qualifications under section 17851, subsection 8; or [PL 1985, c. 801, §§5, 7 (NEW).]

B. If his benefit would be greater, the part of his service retirement benefit based upon membership service before July 1, 1976, shall be determined, on a pro rata basis, on his current annual salary on the date of retirement and the part of his service retirement benefit based upon membership service after June 30, 1976, shall be determined in accordance with paragraph A. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1985, c. 801, §§5, 7 (NEW).]

7-A. Forest rangers after August 31, 1984; option. Except as provided in section 17851-A, the retirement benefit of a person qualifying under section 17851, subsection 8-A who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2013, c. 405, Pt. D, §3 (AMD).]

B. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry before May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program by single or periodic payment of a lump sum or by a combination of single and periodic payments the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after May 1, 1996 is made as part of the employee payroll contribution. [PL 2013, c. 405, Pt. D, §3 (AMD).]

For the purpose of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 8-A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 8-A at any time after the date on which the person is first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective May 1, 1996. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before May 1, 1996 must make the election no later than January 1, 1997.

[PL 2013, c. 405, Pt. D, §3 (AMD).]

7-B. Forest rangers exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 8-A, who makes the payments required in subsection 7-A and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1995, c. 624, §10 (NEW).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 1995, c. 624, §10 (NEW).]

[PL 1997, c. 769, §17 (AMD).]

8. Airplane pilots. The total amount of the service retirement benefit for members qualified under section 17851, subsection 9, is:

A. 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 9; or [PL 1985, c. 801, §§5, 7 (NEW).]

B. If the member retires upon or after reaching the age of 60, an amount equal to the total service retirement benefit as determined under subsection 1, if that amount is greater than the amount computed under paragraph A. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1985, c. 801, §§5, 7 (NEW).]

9. Liquor inspectors. The total amount of the service retirement benefit for a member qualifying under section 17851, subsection 10 is computed as follows:

A. Except as provided in paragraph B, the total amount of the service retirement benefit is 1/2 of the member's average final compensation and an additional 2% of the member's average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 10; or [PL 1993, c. 387, Pt. A, §14 (NEW).]

B. If the member's service retirement benefit would be greater than the amount provided in paragraph A, the part of the service retirement benefit based on membership service before July 1, 1976 is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based on membership service after June 30, 1976 is determined in accordance with paragraph A. [PL 1993, c. 387, Pt. A, §14 (NEW).]

[PL 1993, c. 387, Pt. A, §14 (RPR).]

9-A. Liquor inspectors; benefit calculation exception. Notwithstanding any other law, the total amount of the service retirement benefit for a member qualifying under section 17851, subsection 10-A is computed as follows:

A. The part of the member's service retirement benefit based upon the service earned in a liquor inspector or chief inspector position covered by section 17851, subsection 10-A is computed as 1/50th of the member's average final compensation multiplied by the number of years of creditable service in the capacity of liquor inspector or chief inspector; and [PL 2003, c. 451, Pt. GG, §3 (NEW).]

B. The part of the member's benefit based upon membership service earned in a position not covered by section 17851, subsection 10-A must be computed in accordance with the formula for computing benefits for the plan by which the member is then covered. [PL 2003, c. 451, Pt. GG, §3 (NEW).]

[PL 2003, c. 451, Pt. GG, §3 (NEW).]

10. Maine State Prison employees. The amount of the service retirement benefit for members qualified under section 17851, subsection 11, shall be computed as follows.

A. For members qualifying under section 17851, subsection 11, paragraph A, 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 11, paragraph A. [PL 1985, c. 801, §§5, 7 (NEW).]

B. For members who qualify under section 17851, subsection 11, paragraph B, and who retire upon or after reaching the age of 55, the retirement benefit shall be computed in accordance with subsection 1. [PL 1987, c. 769, Pt. A, §30 (AMD).]

C. For members who qualify under section 17851, subsection 11, paragraph B, and who retire before reaching the age of 55, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at age 55 bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement is used.

This paragraph applies to members who, on July 1, 1993, have 10 years of creditable service. For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, section F-6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV, or 10 years of combined creditable service under this Part and Title 3, chapter 29, or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1993, c. 410, Pt. L, §40 (AMD).]

C-1. For persons qualifying under section 17851, subsection 11, paragraph B, and who retire before reaching the age of 55, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the member's age precedes age 55.

This paragraph applies to members who, on July 1, 1993, do not have 10 years of creditable service. [PL 1993, c. 410, Pt. L, §41 (RPR).]

[PL 1993, c. 410, Pt. L, §§40, 41 (AMD).]

11. Baxter State Park Authority rangers; option. Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 12 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a law enforcement officer at the Baxter State Park Authority on or after November 1, 1995, elects the option provided in section 17851, subsection 12 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2007, c. 491, §167 (AMD).]

B. The person was first employed as a law enforcement officer at the Baxter State Park Authority before November 1, 1995, elects the option provided in section 17851, subsection 12 and pays to the State Employee and Teacher Retirement Program single or periodic payment of a lump sum or by a combination of single and periodic payments of the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution. [PL 2007, c. 491, §168 (AMD).]

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 12 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 12 at any time after the date on which the person is first employed as a law enforcement officer at the Baxter State Park Authority must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a law enforcement officer at the Baxter State Park Authority on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than January 1, 1997.

[PL 2007, c. 491, §§167, 168 (AMD).]

12. Baxter State Park Authority rangers exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 12, who makes the payments required in subsection 11, and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section

6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1995, c. 624, §12 (NEW).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 1995, c. 624, §12 (NEW).]
[PL 1999, c. 493, §12 (AMD).]

13. Fire marshals; option. Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 13 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a fire marshal on or after October 1, 1997, elects the option provided in section 17851, subsection 13 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2007, c. 491, §169 (AMD).]

B. The person was first employed as a fire marshal before October 1, 1997, elects the option provided in section 17851, subsection 13 and pays to the State Employee and Teacher Retirement Program a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date. [PL 2007, c. 491, §170 (AMD).]

A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after October 1, 1997 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 13 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 13 at any time after the date on which the person is first employed as a fire marshal must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a fire marshal on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998. [PL 2007, c. 491, §§169, 170 (AMD).]

14. Fire marshals exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 13 who makes the payments required in subsection 13 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

- (1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and
- (2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 1997, c. 401, §3 (NEW).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 1997, c. 401, §3 (NEW).]
[PL 1999, c. 493, §14 (AMD).]

15. Motor vehicle detectives; option. Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 14 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

- A. The person was first employed as a motor vehicle detective on or after October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or [PL 2019, c. 541, §11 (AMD).]
- B. The person was first employed as a motor vehicle detective before October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date. [PL 2019, c. 541, §11 (AMD).]

A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after October 1, 1997 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 14 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 14 at any time after the date on which the person is first employed as a motor vehicle detective must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a motor vehicle detective on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998.

[PL 2019, c. 541, §11 (AMD).]

16. Motor vehicle detectives exercising option; retirement before 55 years of age. Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 14 who makes the payments required in subsection 15 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

- (1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and
- (2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board. [PL 2017, c. 229, §4 (AMD).]

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age. [PL 1997, c. 401, §3 (NEW).]

[PL 2019, c. 541, §12 (AMD).]

17. Limitation to changes in computation of service retirement benefits. Effective October 1, 1999, for a member who, on October 1, 1999 or thereafter, meets the creditable service requirement for eligibility for service retirement benefits under section 17851, subsections 4 to 14; or under section 17851-A, subsection 2, paragraph A or B, whether or not a member is in service on October 1, 1999, the factors specified for the computation of service retirement benefits under subsections 4 to 16 as in effect on October 1, 1999; or under section 17851-A, subsection 4 as in effect on October 1, 1999, as applicable to each member, may not be changed, alone or in combination under each separate subsection.

[PL 1999, c. 489, §18 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 652, §§1-3 (AMD). PL 1987, c. 769, §A30 (AMD). RR 1991, c. 1, §15 (COR). PL 1991, c. 528, §§EEE9-14 (AMD). PL 1991, c. 528, §§EEE18,RRR (AFF). PL 1991, c. 580, §§6-8 (AMD). PL 1991, c. 591, §§EEE9-14 (AMD). PL 1991, c. 591, §EEE18 (AFF). PL 1993, c. 387, §§A11-14 (AMD). PL 1993, c. 410, §§L36-41 (AMD). PL 1993, c. 626, §1 (AMD). PL 1995, c. 367, §1 (AMD). PL 1995, c. 466, §§A3,B4,C3 (AMD). PL 1995, c. 624, §§5-12 (AMD). PL 1997, c. 396, §§1-3 (AMD). PL 1997, c. 396, §4 (AFF). PL 1997, c. 401, §3 (AMD). PL 1997, c. 683, §C1 (AMD). PL 1997, c. 683, §C2 (AFF). PL 1997, c. 769, §§12-17 (AMD). PL 1999, c. 489, §§15-18 (AMD). PL 1999, c. 493, §§11-14 (AMD). PL 1999, c. 731, §§CC7-10 (AMD). PL 2001, c. 559, §§RR10-12 (AMD). PL 2001, c. 559, §RR17 (AFF). PL 2003, c. 451, §GG3 (AMD). PL 2007, c. 491, §§160-172 (AMD). PL 2011, c. 380, Pt. T, §§17-19 (AMD). PL 2013, c. 405, Pt. D, §3 (AMD). PL 2017, c. 229, §§3, 4 (AMD). PL 2019, c. 541, §§11, 12 (AMD).

§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. [PL 2017, c. 460, Pt. K, §1 (NEW).]

B. "Closure" means the removal of all clients from a correctional facility pursuant to legislation enacted into law approving the removal of all clients. [PL 2017, c. 460, Pt. K, §1 (NEW).]

C. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6. [PL 2017, c. 460, Pt. K, §1 (NEW).]
[PL 2017, c. 460, Pt. K, §1 (NEW).]

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; [PL 2017, c. 460, Pt. K, §1 (NEW).]

B. Has not reached what would be the member's normal retirement age absent this section; [PL 2017, c. 460, Pt. K, §1 (NEW).]

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 [PL 2017, c. 460, Pt. K, §1 (NEW).]

D. Retires as a direct result of the closure of the correctional facility described in paragraph C. [PL 2017, c. 460, Pt. K, §1 (NEW).]
[PL 2017, c. 460, Pt. K, §1 (NEW).]

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.

[PL 2017, c. 460, Pt. K, §1 (NEW).]

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.

[PL 2017, c. 460, Pt. K, §1 (NEW).]

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.

[PL 2017, c. 460, Pt. K, §1 (NEW).]

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.

[PL 2017, c. 460, Pt. K, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 460, Pt. K, §1 (NEW).

§17853. Law governing benefit determination

1. Termination on or after January 1, 1976. If a member's final termination of service occurred on or after January 1, 1976, the retirement system law in effect on the date of termination shall govern the member's service retirement benefit.
[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Termination before January 1, 1976. If a member's final termination of service occurred before January 1, 1976, the retirement system law in effect on January 1, 1976 shall govern the member's service retirement benefit.
[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17854. Minimum benefit

Any member who has 10 or more years of creditable service at retirement is entitled to a minimum service retirement benefit of \$100 per month. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17855. Restoration to service

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 739, §§27,48 (AMD). PL 1997, c. 769, §18 (AMD). PL 2001, c. 442, §1 (RP).

§17856. Interchangeable benefits for law enforcement officers

Any service retirement benefits earned by a law enforcement officer under this article which are substantially similar or equal are interchangeable. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17857. Transfer from special plan

1. Special plan defined. As used in this section, unless the context otherwise indicates, "special plan" means any of the retirement programs in section 17851, subsection 4, 5, 6, 7, 8, 9, 10 or 11 and section 17851-A.
[PL 1997, c. 769, §19 (AMD).]

2. Additional creditable service. Additional creditable service is earned by a former participant in a special plan as follows.

A. A member who has completed the service requirements for retirement under a special plan, including a member who completes the requirements of section 17851-A, subsection 2, paragraph A, may transfer to a position not under a special plan and earn service credit for additional service retirement benefits.

(1) The part of the member's service retirement benefit based upon membership service before being transferred must be computed according to the formula for computing benefits under the special plan that the member was under previously.

(2) The part of the member's benefit based upon membership service after being transferred must be computed in accordance with section 17852, subsection 1. [PL 1997, c. 769, §19 (AMD).]

B. [PL 2001, c. 442, §2 (RP).]

C. A member who has not completed the service requirements for retirement under a special plan may transfer to a position not under a special plan and receive service retirement benefits as follows. This paragraph does not apply to section 17851-A, subsection 2, paragraph A.

(1) If the benefit is greater, the part of the member's service retirement benefit based upon membership service before being transferred must be computed according to the formula for computing benefits under the special plan that the member was under previously.

(2) The part of the member's benefit based upon membership service after being transferred must be computed in accordance with section 17852, subsection 1. [PL 1997, c. 769, §19 (AMD).]

D. A member who has not completed the service requirements for retirement under a special plan, including a member who completes the requirements of section 17851-A, subsection 2, paragraph A, on becoming disabled as defined in section 17901, or, after September 30, 1989, section 17921, and on becoming reemployed in a position not under a special plan on retirement receives retirement benefits as follows.

(1) The part of the member's service retirement based on membership service before becoming disabled must be computed according to the formula for computing benefits under the member's previous special plan.

(2) The part of the member's service retirement based on membership service after becoming reemployed in a position not under a special plan must be computed according to the formula for computing benefits under the member's previous special plan.

(3) If the member is found to be no longer disabled, as defined in section 17901, or, after September 30, 1989, section 17921, the member may:

(a) Return to a position under the member's previous special plan; or

(b) Remain in the position that is not under a special plan and have the part of the member's service retirement benefit based on post-disability service computed in accordance with section 17852, subsection 1.

(4) The chief executive officer may require that a member subject to this paragraph undergo medical examinations or tests once each year to determine the member's disability in accordance with section 17903 or, after September 30, 1989, section 17926.

(a) If the member refuses to submit to the examination or tests under this subparagraph, the member's retirement benefit must be based on section 17852, subsection 1, until the member withdraws the refusal.

(b) If the member's refusal under division (a) continues for one year, all the member's rights to any further benefits under this paragraph shall cease. [PL 1997, c. 769, §19 (AMD); PL 2021, c. 548, §45 (REV).]

[PL 2001, c. 442, §2 (AMD); PL 2021, c. 548, §45 (REV).]

3. Reduction of benefits; 10 years of creditable service on July 1, 1993. Upon retirement before reaching age 60, the service retirement benefit of a member who transferred or who was restored to service subject to subsection 2 must be reduced as follows.

A. If the member transferred under the provisions of subsection 2, paragraph A:

(1) If applicable, the portion of the retirement benefit based upon creditable service earned before being transferred must be reduced in accordance with section 17852, subsection 10, paragraph C or, if the member was covered under section 17851-A, the portion of the retirement

benefit based upon creditable service earned before being transferred must be reduced as provided in that section; and

(2) The portion of the retirement benefit based upon creditable service earned after being transferred must be reduced in accordance with section 17852, subsection 3. [PL 1999, c. 731, Pt. CC, §11 (AMD).]

B. [PL 2001, c. 699, §2 (RP).]

C. If the member was transferred subject to subsection 2, paragraph C, the retirement benefit must be reduced in accordance with section 17852, subsection 3. [PL 1997, c. 769, §19 (AMD).]

D. If the member was transferred subject to subsection 2, paragraph D, and:

(1) If the member completes the service or service and age requirements for retirement under the special plan that the member was under previously, if applicable, the retirement benefit must be reduced in accordance with section 17852, subsection 10, paragraph C or, if the member was covered under section 17851-A, the retirement benefit must be reduced as provided in that section; or

(2) If the member does not complete the service or service and age requirements for retirement under the special plan that the member was under previously, the retirement benefit must be reduced in accordance with section 17852, subsection 3. [PL 1999, c. 731, Pt. CC, §11 (AMD).]

[PL 2001, c. 699, §2 (AMD).]

3-A. Reduction of benefits; less than 10 years of creditable service on July 1, 1993. On and after July 1, 1993, upon retirement before reaching the age of 62, the service retirement benefit of a member who transferred or who was restored to service subject to subsection 2 must be reduced as follows.

A. If the member transferred under the provisions of subsection 2, paragraph A:

(1) If applicable, the portion of the retirement benefit based upon creditable service earned before being transferred must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the portion of the retirement benefit based upon creditable service earned before being transferred must be reduced as provided in that section; and

(2) The portion of the retirement benefit based upon creditable service earned after being transferred must be reduced in accordance with section 17852, subsection 3-A. [PL 1999, c. 731, Pt. CC, §12 (AMD).]

B. If the member was a retiree restored to service subject to subsection 2, former paragraph B:

(1) If applicable, the portion of the retirement benefit based upon creditable service earned before the member's initial retirement must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the portion of the retirement benefit based upon creditable service earned before the member's initial retirement must be reduced as provided in that section; and

(2) The portion of the retirement benefit based upon creditable service earned after being restored to service must be reduced in accordance with section 17852, subsection 3-A. [PL 2001, c. 667, Pt. A, §4 (AMD).]

C. If the member was transferred subject to subsection 2, paragraph C, the retirement benefit must be reduced in accordance with section 17852, subsection 3-A. [PL 1993, c. 410, Pt. L, §42 (NEW).]

D. If the member was transferred subject to subsection 2, paragraph D and:

(1) If the member completes the service or service and age requirements for retirement under the special plan that the member was under previously, if applicable, the retirement benefit must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the retirement benefit must be reduced as provided in that section; or

(2) If the member does not complete the service or service and age requirements for retirement under the special plan that the member was under previously, the retirement benefit must be reduced in accordance with section 17852, subsection 3-A. [PL 1999, c. 731, Pt. CC, §12 (AMD).]

This subsection applies to members who on July 1, 1993 have less than 10 years of creditable service under this Part. For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV, or 10 years of combined creditable service under this Part and Title 3, chapter 29, or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

[PL 2001, c. 667, Pt. A, §4 (AMD).]

3-B. Reduction of benefits; less than 5 years of creditable service on July 1, 2011. On and after July 1, 2011, upon retirement before reaching the 65 years of age, the service retirement benefit of a member who transferred or who was restored to service subject to subsection 2 must be reduced as follows:

A. If the member transferred under the provisions of subsection 2, paragraph A:

(1) If applicable, the portion of the retirement benefit based upon creditable service earned before being transferred must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the portion of the retirement benefit based upon creditable service earned before being transferred must be reduced as provided in that section; and

(2) The portion of the retirement benefit based upon creditable service earned after being transferred must be reduced in accordance with section 17852, subsection 3-B. [PL 2011, c. 380, Pt. T, §20 (NEW).]

B. If the member was a retiree restored to service subject to subsection 2, former paragraph B:

(1) If applicable, the portion of the retirement benefit based upon creditable service earned before the member's initial retirement must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the portion of the retirement benefit based upon creditable service earned before the member's initial retirement must be reduced as provided in that section; and

(2) The portion of the retirement benefit based upon creditable service earned after being restored to service must be reduced in accordance with section 17852, subsection 3-B. [PL 2011, c. 380, Pt. T, §20 (NEW).]

C. If the member was transferred subject to subsection 2, paragraph C, the retirement benefit must be reduced in accordance with section 17852, subsection 3-B. [PL 2011, c. 380, Pt. T, §20 (NEW).]

D. If the member was transferred subject to subsection 2, paragraph D and:

(1) If the member completes the service or service and age requirements for retirement under the special plan that the member was under previously, if applicable, the retirement benefit

must be reduced in accordance with section 17852, subsection 10, paragraph C-1 or, if the member was covered under section 17851-A, the retirement benefit must be reduced as provided in that section; or

(2) If the member does not complete the service or service and age requirements for retirement under the special plan that the member was under previously, the retirement benefit must be reduced in accordance with section 17852, subsection 3-B.

This subsection applies to members who on July 1, 2011 have less than 5 years of creditable service under this Part. For the purpose of calculating creditable service under this subsection, creditable service includes: creditable service under this Part; creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; creditable service available to a member that the member was eligible to purchase on June 30, 2011 and that the member does purchase in accordance with rules adopted by the board; and creditable service for which the member makes payment for certain days off without pay during fiscal year 2009-10 or fiscal year 2010-11. The amount of the required payment must be made in accordance with section 17704-B and payment may be made at any time prior to retirement. [PL 2011, c. 380, Pt. T, §20 (NEW).]

[PL 2011, c. 380, Pt. T, §20 (NEW).]

4. Computation of benefit. The computation of the retirement benefit must be based upon the member's average final compensation, as defined in section 17001, subsection 4.

[PL 1997, c. 769, §19 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 79, §§1,2 (AMD). PL 1993, c. 410, §L42 (AMD). PL 1997, c. 769, §19 (AMD). PL 1999, c. 731, §§CC11,12 (AMD). PL 2001, c. 442, §2 (AMD). PL 2001, c. 667, §A4 (AMD). PL 2001, c. 699, §2 (AMD). PL 2011, c. 380, Pt. T, §20 (AMD). PL 2021, c. 548, §45 (REV).

§17858. Retirement incentive option

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §EEE15 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §EEE15 (NEW). PL 1991, c. 618, §3 (AMD). PL 1991, c. 618, §7 (AFF). PL 1993, c. 159, §1 (AMD). PL 1993, c. 159, §2 (AFF). PL 1993, c. 415, §L1 (RP).

§17858-A. Retirement incentive option

(REPEALED)

SECTION HISTORY

PL 1993, c. 415, §L2 (NEW). PL 1993, c. 415, §L4 (AFF). RR 1997, c. 2, §21 (COR). PL 2001, c. 442, §3 (RP).

§17858-B. Retirement; creditable service

1. Retirement incentive. Any state employee, as defined in section 17001, subsection 40, except employees of the Maine Community College System, who, by April 1, 1996, has reached normal retirement age and has 10 or more years of creditable service and who gives notice to the Maine Public Employees Retirement System no later than February 1, 1996 and who retires effective no later than April 1, 1996 is entitled to receive, at the employee's option, either 3 months' base salary paid as a lump sum to be paid on July 1, 1996 or the equivalent amount in monthly cash payments toward retiree dependent medical insurance equal to the current percentage contribution rate for dependent coverage for state employees.

Payment of the retirement incentive under this subsection must be made by the employing agencies and may not be made from the funds of the Maine Public Employees Retirement System.

Payment of the retirement incentive under this subsection may not be used in the calculation of the employee's average final compensation or creditable service.

[PL 1995, c. 502, Pt. R, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF); PL 2007, c. 58, §3 (REV).]

2. Vacant position. The department or agency from which any state employee retires under subsection 1 either may not fill the resulting vacant position or, if that position is filled, shall maintain a vacant position elsewhere within the department or agency until the State's costs associated with the retirement have been recovered. Alternatively, the Governor may recover these costs by maintaining an offsetting vacancy in another department or agency or by utilizing other salary savings.

[PL 1995, c. 502, Pt. R, §1 (NEW).]

3. Payment of fixed costs. With respect to each employee who retires under subsection 1, the State shall pay the amount of the State Employee and Teacher Retirement Program's unfunded liability payment, the Maine Public Employees Retirement System's administrative cost payment and the retiree health care payment associated with the employee.

[PL 2007, c. 491, §173 (AMD).]

4. Policies and procedures. The Chief Executive Officer of the Maine Public Employees Retirement System shall establish policies and procedures for the implementation of this section, including notice and payment requirements, that ensure that no unfunded liability results to the State Employee and Teacher Retirement Program.

[PL 2007, c. 491, §174 (AMD); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1995, c. 502, §R1 (NEW). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§173, 174 (AMD). PL 2021, c. 548, §45 (REV).

§17859. Retiring and returning to work

1. Restoration to service. Any state employee or teacher who has reached normal retirement age may be restored to service. The decision to hire a retired state employee or retired teacher under this section is at the discretion of the appointing authority. The retired state employee or retired teacher must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

[PL 2019, c. 436, §1 (AMD).]

1-A. Restoration to work as classroom-based employees or administrators. Any retired state employee, retired teacher or retired school administrator may be restored to service as a classroom-based employee or school administrator in a school in the unorganized territory or with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

A. In one-year contracts, which may be nonconsecutive. [PL 2019, c. 436, §1 (AMD).]

B. [PL 2019, c. 436, §1 (RP).]

C. [PL 2019, c. 436, §1 (RP).]

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

[PL 2019, c. 436, §1 (AMD).]

2. Compensation and benefits.

[PL 2019, c. 436, §1 (RP).]

2-A. Compensation. The compensation rate of the retired state employee, retired teacher or retired school administrator returning to service under subsection 1 or 1-A is the same as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. The compensation rate is determined on the basis of the position under any applicable collective bargaining agreement or determined through normal salary negotiations when the position is not part of a collective bargaining unit.

[PL 2019, c. 436, §1 (NEW).]

2-B. Benefits. The benefits of the retired state employee, retired teacher or retired school administrator who returns to service after retirement as set out in subsection 1 or 1-A are governed by this subsection.

A. During the period of reemployment, a retired teacher or retired school administrator continues to receive any retirement benefits that the teacher or administrator is entitled to under Title 20-A, section 13451. [PL 2019, c. 436, §1 (NEW).]

B. During the period of reemployment, a retired state employee continues to receive any retirement benefits that the employee is entitled to under sections 285 and 18055. [PL 2019, c. 436, §1 (NEW).]

C. During the period of reemployment, a retired state employee, retired teacher or retired school administrator who is not receiving any retirement benefits as described in paragraphs A and B is eligible for such benefits as per the local collective bargaining agreement or established through normal negotiations if the position is not part of a collective bargaining unit. [PL 2019, c. 436, §1 (NEW).]

D. During the period of reemployment, a retiree as described in paragraphs A and B may receive additional compensation toward such benefits in an amount not to exceed that of the local collective bargaining agreement if applicable. [PL 2019, c. 436, §1 (NEW).]

[PL 2019, c. 436, §1 (NEW).]

3. Contributions to the Maine Public Employees Retirement System and state group health plan.

[PL 2019, c. 436, §1 (RP).]

3-A. Contributions to the Maine Public Employees Retirement System. For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer contribution that goes to pay the retirement system for the unfunded liability must be continued at the same contribution rate of the employer as described in section 17253 as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service under this section is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

[PL 2019, c. 436, §1 (NEW).]

3-B. Contributions to the state group health plan. For a reemployed retired state employee, retired teacher or retired school administrator, the portion of the employer and employee contribution

that goes to pay the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator.
[PL 2019, c. 436, §1 (NEW).]

4. Notification requirements. Employers under this section are required to identify and report to the retirement system, in the manner specified by the retirement system, each individual who is a retiree who becomes an employee of the employer under an option provided in this section. Departments shall also report each retiree who becomes an employee to the Bureau of the Budget in a manner specified by the bureau. The employer shall report each such employee whenever and so long as the employee is the employer's employee.
[PL 2019, c. 436, §1 (AMD).]

5. Exclusion.
[PL 2019, c. 436, §1 (RP).]

SECTION HISTORY

PL 2011, c. 380, Pt. MMM, §1 (NEW). PL 2011, c. 420, Pt. L, §1 (AMD). PL 2013, c. 486, Pt. A, §§1, 2 (AMD). PL 2015, c. 321, §1 (AMD). PL 2019, c. 436, §1 (AMD).

ARTICLE 3

DISABILITY RETIREMENT BENEFITS

§17901. Definition

As used in this article, unless the context otherwise indicates, "disabled" means mentally or physically incapacitated: [PL 1985, c. 801, §§ 5, 7 (NEW).]

1. Permanent. To the extent that it is impossible to perform the duties of his employment position and the incapacity can be expected to be permanent; and
[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Revealed by examination. So that the incapacity will be revealed by medical examination or tests conducted in accordance with section 17903.
[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§17901-A. Applicability

This article applies to all disabilities for which written applications are received by the chief executive officer before October 1, 1989. All disabilities for which written applications are received by the chief executive officer after September 30, 1989, are subject to article 3-A. [PL 1989, c. 409, §§7, 12 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§7,12 (NEW). PL 2021, c. 548, §45 (REV).

§17902. Application

1. Written application. In order to receive a benefit under this article, the person must apply in writing to the chief executive officer in the format specified by the chief executive officer.

A. The executive director shall obtain medical consultation on each applicant for disability retirement benefits in accordance with related rules established by the board. Rules adopted

pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A. Medical consultation obtained by the chief executive officer must be objective and be provided by a medical provider or medical providers qualified to review the case by specialty or experience and to whom the applicant is not known. [PL 2021, c. 277, §19 (AMD); PL 2021, c. 548, §45 (REV).]

[PL 2021, c. 277, §19 (AMD); PL 2021, c. 548, §45 (REV).]

2. Approval. The written application must be approved by the chief executive officer.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1995, c. 643, §5 (AMD). PL 2017, c. 88, §22 (AMD). PL 2021, c. 277, §19 (AMD). PL 2021, c. 548, §45 (REV).

§17903. Examination or tests

The examination or tests to determine whether a member is disabled under section 17901 are governed as follows. [PL 1985, c. 801, §5, 7 (NEW).]

1. Agreed upon medical provider. The examination or tests must be conducted by a qualified medical provider mutually agreed upon by the chief executive officer and member claiming to be disabled.

[PL 2017, c. 88, §23 (AMD); PL 2021, c. 548, §45 (REV).]

2. Agreed upon place. The examination or tests shall be conducted at a place mutually agreed upon by the chief executive officer and member claiming to be disabled.

[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

3. Costs. The costs incurred under subsections 1 and 2 shall be paid by the retirement system.

[PL 1985, c. 801, §5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2017, c. 88, §23 (AMD). PL 2021, c. 548, §45 (REV).

§17904. Qualification for benefit

1. Qualification. Except as provided in subsection 2, a member qualifies for a disability retirement benefit if the member becomes disabled while in service and before reaching normal retirement age.

A. [PL 1991, c. 887, §4 (RP).]

B. [PL 1991, c. 887, §4 (RP).]

[PL 1997, c. 384, §4 (AMD).]

2. Exception. A member with fewer than 5 years of continuous creditable service immediately preceding that member's application for a disability retirement benefit is not eligible for that benefit if the disability is the result of a physical or mental condition that existed before the member's latest membership in any retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

[PL 2007, c. 491, §175 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 434, §1 (AMD). PL 1991, c. 887, §4 (AMD). PL 1997, c. 384, §4 (AMD). PL 2007, c. 491, §175 (AMD).

§17905. Computation of benefit

When a member qualified under section 17904 retires, the member is entitled to receive a disability retirement benefit equal to 66 2/3% of the member's average final compensation. [PL 1997, c. 384, §5 (RPR).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 887, §5 (AMD). PL 1993, c. 595, §7 (AMD). PL 1995, c. 643, §6 (AMD). PL 1997, c. 384, §5 (RPR).

§17906. Reduction in amount of benefit

1. Excess compensation. If the compensation received from engaging in any gainful occupation by a beneficiary of a disability retirement benefit exceeds \$20,000 in calendar year 2000 or in any subsequent calendar year exceeds that amount as cumulatively increased by the same percentage adjustments granted under section 17806:

A. The excess must be deducted from the disability or service retirement benefits during the next calendar year, the deductions to be prorated on a monthly basis in an equitable manner prescribed by the board over the year or part of the year for which the benefits are received; and [PL 2001, c. 443, §1 (AMD); PL 2001, c. 443, §7 (AFF).]

B. The beneficiary shall reimburse the retirement system for any excess payments not deducted under paragraph A. [PL 1985, c. 801, §§5, 7 (NEW).]
[PL 2021, c. 548, §29 (AMD).]

2. Disability payments under other laws. The reduction of disability retirement benefits because of disability benefits received under other laws is governed as follows.

A. The amount of any disability retirement benefit payable under this article must be reduced by any amount received by the beneficiary for the same disability under either or both of the following:

- (1) The worker's compensation or similar law, except amounts that may be paid or payable under former Title 39, section 56-B or Title 39-A, section 212, subsection 3; or
- (2) The United States Social Security Act, if the employment for which creditable service with the employer is allowed was also covered under that Act at the date of disability retirement. [PL 1991, c. 885, Pt. E, §8 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

B. Disability retirement benefits shall be calculated as follows:

- (1) The initial disability retirement benefit shall be reduced if necessary so that the benefit plus any benefits under paragraph A do not exceed 80% of the beneficiary's average final compensation;
- (2) Subsequent cost-of-living adjustments applied to any benefit listed under paragraph A shall be excluded from the calculations under subparagraph (1);
- (3) Adjustments under section 17806 shall be applied to that portion of disability retirement benefits calculated under subparagraph (1); and
- (4) If a beneficiary receives a benefit under paragraph C, the 80% limit under subparagraph (1) shall not include adjustments under section 17806. [PL 1987, c. 458, §1 (RPR).]

C. The disability retirement benefit may not be reduced below the amount of the retirement benefit which is the actuarial equivalent of the member's accumulated contributions at the time of his retirement. [PL 1985, c. 801, §§5, 7 (NEW).]

D. Lump-sum settlements of benefits that would reduce the disability retirement benefit under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

- (1) These prorated lump-sum settlements may not include any part of the lump-sum settlement attributable to vocational rehabilitation, attorneys' fees, physicians, nurses, hospital, medical,

surgical or related fees or charges or any amount paid or payable under former Title 39, section 56-B or Title 39-A, section 212, subsection 3.

(2) These prorated lump-sum settlements must reduce the disability retirement benefit in the same manner and amount as monthly benefits under this subsection. [PL 1991, c. 885, Pt. E, §9 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

E. Any dispute about amounts paid or payable under workers' compensation, or about the amount of the lump-sum settlement and its attributions must be determined on petition, by a single member of the Workers' Compensation Board, in accordance with Title 39-A. These determinations may be appealed under Title 39-A, section 322. [PL 1991, c. 885, Pt. E, §10 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

[PL 1991, c. 885, Pt. E, §§8-10 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

3. Restoration to service. If any recipient of a disability retirement benefit is restored to service and if the total of the recipient's monthly retirement benefit for any year and the recipient's total earnable compensation for that year exceeds the recipient's average final compensation at retirement, increased by the same percentage adjustments as have been received under section 17806, the excess must be deducted from the disability retirement benefit payments during the next calendar year.

A. The deductions must be prorated on a monthly basis over the year or part of the year for which benefits are received in an equitable manner prescribed by the board. [PL 2021, c. 548, §30 (AMD).]

B. The recipient of the disability retirement benefit shall reimburse the retirement system for any excess payments not deducted under this section. [PL 1985, c. 801, §§5, 7 (NEW).]

C. If the retirement benefit payments are eliminated by operation of this subsection:

(1) The person again becomes a member of the State Employee and Teacher Retirement Program and begins contributing at the current rate; and

(2) When the person again retires, the person must receive benefits computed on the person's entire creditable service and in accordance with the law in effect at that time. [PL 2021, c. 548, §30 (AMD).]

[PL 2021, c. 548, §30 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 458, §1 (AMD). PL 1987, c. 560, §1 (AMD). PL 1989, c. 78, §3 (AMD). PL 1991, c. 885, §§E8-10 (AMD). PL 1991, c. 885, §E47 (AFF). PL 2001, c. 443, §1 (AMD). PL 2001, c. 443, §7 (AFF). PL 2007, c. 491, §176 (AMD). PL 2021, c. 548, §§29, 30 (AMD).

§17907. Payment of benefit

1. Beginning. If the chief executive officer receives the written application for disability retirement benefits within 6 months after the date of termination of active service of the member, payment of benefits shall begin on the first day of the month following the date of termination of active service of the member. If the chief executive officer receives the written application for disability retirement benefits more than 6 months after the date of termination of active service of the member, payment of benefits shall begin on the first day of the month following the date 6 months prior to the date of receipt by the chief executive officer of the written application, by or on behalf of the member, for disability retirement, provided that payment of benefits shall begin on the first day of the month following the date of termination of active service of the member if it is shown that:

A. It was not reasonably possible to file the application for disability retirement benefits within the 6-month period; and [PL 1987, c. 256, §15 (RPR).]

B. The application was made as soon as reasonably possible. [PL 1987, c. 256, §15 (RPR).]
[PL 1987, c. 256, §15 (RPR); PL 2021, c. 548, §45 (REV).]

2. Cessation. Payment of disability retirement benefits shall continue so long as a person is disabled, except that:

A. The disability retirement benefit ceases and eligibility for a service retirement benefit begins:

(1) On the last day of the month in which the 10th anniversary of the beneficiary's normal retirement age, as defined in section 17001, subsection 23, occurs; or

(2) On the last day of the month in which the service retirement benefit of the beneficiary would equal or exceed the amount of the beneficiary's disability retirement benefit, if that occurs before the 10th anniversary of the beneficiary's normal retirement age. [PL 1997, c. 384, §6 (RPR).]

B. After the disability has continued for 5 years, the disability of the beneficiary must render the beneficiary unable to engage in any substantially gainful activity for which the beneficiary is qualified by training, education or experience. For purposes of this paragraph, the ability to engage in substantially gainful activity is demonstrated by the ability to perform work resulting in annual earnings that exceed \$20,000 or 80% of the recipient's average final compensation at retirement, whichever is greater, adjusted by the same percentage adjustments granted under section 17806.

(1) The chief executive officer may require, once each year, a recipient of a disability retirement benefit to undergo medical examinations or tests, conducted in accordance with section 17903, to determine the disability of the beneficiary.

(2) If the beneficiary refuses to submit to the examination or tests under subparagraph (1), the beneficiary's disability retirement benefit is discontinued until the beneficiary withdraws the refusal.

(3) If the beneficiary's refusal under subparagraph (2) continues for one year, all the beneficiary's rights to any further benefits under this article cease.

(4) If it is determined, on the basis of the examination or tests under subparagraph (1), that the disability of a beneficiary no longer exists, the payment of the beneficiary's disability retirement benefit ceases; [PL 2003, c. 675, §1 (AMD); PL 2021, c. 548, §45 (REV).]

C. The person's average final compensation at retirement shall include the same percentage adjustments, if any, that would apply to the amount of retirement benefit of the beneficiary under section 17806; and [PL 1987, c. 256, §17 (AMD).]

D. A full month's benefit shall be paid to the beneficiary or estate of the disability retirement recipient for the month in which he dies. [PL 1987, c. 256, §18 (NEW).]

[PL 2003, c. 675, §1 (AMD); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §§15-18 (AMD). PL 1991, c. 887, §6 (AMD). PL 1997, c. 384, §6 (AMD). PL 2003, c. 675, §1 (AMD). PL 2021, c. 548, §45 (REV).

§17908. Statement of health

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1995, c. 643, §7 (RP).

§17909. Statement of compensation

1. Requirement. The chief executive officer shall require each beneficiary of a disability retirement benefit to submit, each calendar year, a statement of his compensation received from engaging in any gainful occupation during that year.

[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

2. Failure to submit statement. Failure to submit the statement under subsection 1, shall result in the following:

A. If the beneficiary fails to submit the statement required under subsection 1 within 30 days of receipt of the chief executive officer's request for the statement, the beneficiary's disability retirement benefit shall be discontinued until the statement is submitted; or [PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

B. If the beneficiary fails to submit the statement required under subsection 1, within one year of receipt of the chief executive officer's request for the statement, all the beneficiary's rights to further benefits shall cease. [PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]
[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2021, c. 548, §45 (REV).

§17910. Voluntary return to service

1. Right to reinstatement. If the beneficiary of a disability retirement benefit decides that he is no longer incapacitated and is able to perform the duties of his employment position, the employer for whom he last worked prior to becoming disabled shall reinstate the person to the first available position for which the beneficiary is qualified and is consistent with the beneficiary's prior work experience. If a collective bargaining agreement applies to such a position, the employer may offer only a position which the beneficiary could claim by virtue of the seniority accumulated at the time of the disability.
[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Dispute over mental or physical capacity. In the event there is a dispute between the beneficiary and the former employer over the beneficiary's mental or physical capacity to perform a specific job, at the option of the beneficiary that dispute must be resolved by the majority decision of 3 medical providers, one appointed and reimbursed by the beneficiary, one appointed and reimbursed by the employer and one appointed by the chief executive officer and reimbursed by the Maine Public Employees Retirement System.
[PL 2017, c. 88, §24 (AMD); PL 2021, c. 548, §45 (REV).]

3. Termination or reduction in benefits. At the option of the former beneficiary who has returned to an employment position, the disability retirement benefit may be terminated as of the end of the first month he is reinstated to a position or may be subject to section 17906, subsection 3.
[PL 1985, c. 801, §§ 5, 7 (NEW).]

4. Reinstatement of benefits. If, during the first 5 years of reinstatement, the former beneficiary again becomes disabled as a result of the medical condition for which the initial disability retirement allowance was granted and terminates employment, the Maine Public Employees Retirement System shall resume paying the disability retirement benefit payable prior to the reinstatement with all applicable cost-of-living adjustments. The Maine Public Employees Retirement System may require examinations or tests to determine whether a member's medical condition is the same as that for which disability retirement was initially granted.

This provision shall apply only to state employees and teachers.

[PL 1985, c. 801, §§ 5, 7 (NEW); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2007, c. 58, §3 (REV). PL 2017, c. 88, §24 (AMD). PL 2021, c. 548, §45 (REV).

§17911. Rehabilitation

Upon agreement of the chief executive officer and the person, rehabilitation services may be provided to any person who is the recipient of a disability retirement benefit under this article as a means to the person being able to return to substantially gainful activity. As a condition of entering into an agreement to provide rehabilitation services, the chief executive officer must determine that rehabilitation is feasible, that rehabilitation is consistent with the purposes of this article, that the recipient is suitable for rehabilitation services and that rehabilitation services are likely to lead to substantially gainful activity. Services must be provided by private and public rehabilitation counselors, government agencies and others approved by the chief executive officer as qualified to provide rehabilitation services. The chief executive officer shall consider a rehabilitation counselor's rate of successfully placing rehabilitated employees in jobs relative to the placement rates of other counselors in the State as fundamental in deciding whether to approve the counselor as qualified. This section does not affect the ongoing requirement that a person remain disabled in order to continue to receive disability benefits. [PL 2021, c. 277, §20 (AMD); PL 2021, c. 548, §45 (REV).]

For the purposes of this section, "person" means any person who is the recipient of a disability retirement benefit. [PL 2003, c. 387, §4 (NEW).]

1. Rehabilitation plan. If the chief executive officer makes the determinations necessary to provide rehabilitation services under this section and rehabilitation agreed to by the parties, the retirement system shall designate a rehabilitation provider to evaluate the person and develop a rehabilitation plan.

[PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

2. Costs. The chief executive officer may contract with rehabilitation providers to develop and carry out approved rehabilitation plans.

A. Except as provided in paragraph B, the chief executive officer shall pay these providers from funds accumulated in the Retirement Allowance Fund, established under section 17251. [PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

B. If the person is entitled to other benefits to meet the cost of rehabilitation services, that person must first apply for and use those benefits to the extent available to pay for the goods and services provided. [PL 2003, c. 387, §4 (NEW).]

[PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

3. Approval of rehabilitation plan. The chief executive officer and the person shall approve any rehabilitation plan developed under subsection 1 and shall indicate in writing their approval of and agreement to the rehabilitation plan. The person shall approve the plan within 30 days or, within that time period, submit to the chief executive officer the name of an alternate provider for the chief executive officer's consideration. If the rehabilitation plan includes return to employment with the employer for whom the person worked before becoming disabled, the employer also shall indicate in writing approval of the plan.

[PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

4. Monitoring of rehabilitation plan. Each rehabilitation plan approved by the chief executive officer must contain a provision for periodic review of progress being made by the person toward achieving the goal of the plan and substantially gainful activity. The provision relating to review must include authority for the chief executive officer to terminate the plan or to amend the plan with the same provider or with a change of provider, based upon results of the review or at the request of the person or the provider. Subsections 1, 2 and 3 apply to any amended plans under this subsection. A person is entitled to a single rehabilitation plan during the course of the person's incapacity except when the

person demonstrates that a termination of the plan was reasonable and for good cause. Any entitlement to amend a rehabilitation plan or establish a new plan ends with a determination by the chief executive officer that the person is no longer disabled.

[PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

5. Return to service. If the rehabilitation plan includes return to employment with the person's former employer, that person must be reemployed in accordance with the plan. The chief executive officer shall notify the former employer, in writing, that the person has completed the rehabilitation plan and is ready to return to employment. The former employer shall reemploy the person in the first available position for which that person is qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including training and education received under that person's rehabilitation plan.

[PL 2003, c. 387, §4 (NEW); PL 2021, c. 548, §45 (REV).]

6. Employment exception. A person is not required to accept employment that reasonably necessitates relocation or for which the person is not qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including training and education received under that person's rehabilitation plan. The disability retirement benefit may not be discontinued except as provided by section 17929 or until the person is reemployed consistent with this section.

[PL 2003, c. 387, §4 (NEW).]

SECTION HISTORY

PL 2003, c. 387, §4 (NEW). PL 2021, c. 277, §20 (AMD). PL 2021, c. 548, §45 (REV).

ARTICLE 3-A

DISABILITY RETIREMENT BENEFITS AFTER SEPTEMBER 30, 1989

§17921. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 409, §§8, 12 (NEW).]

1. Disabled. "Disabled" means that the member is mentally or physically incapacitated under the following conditions:

- A. The incapacity is expected to be permanent; [PL 1989, c. 409, §§8, 12 (NEW).]
- B. That the member is unable to perform the essential functions of the member's employment position with reasonable accommodation; [PL 2021, c. 277, §21 (AMD).]
- C. After the incapacity has continued for 2 years, the incapacity must render the member unable to engage in any substantially gainful activity for which the member is qualified by training, education or experience; and [PL 1989, c. 409, §§8, 12 (NEW).]
- D. The incapacity may be revealed by examinations or tests conducted in accordance with section 17926. [PL 1989, c. 409, §§8, 12 (NEW).]

[PL 2021, c. 277, §21 (AMD).]

2. Employment position. "Employment position" means:

- A. The position in which the member is employed at the time the member becomes incapacitated; or [PL 1989, c. 409, §§8, 12 (NEW).]
- B. A position of comparable stature and equal or greater compensation and benefits which is made available to the member by the member's employer. [PL 1989, c. 409, §§8, 12 (NEW).]

[PL 1989, c. 409, §§8, 12 (NEW).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 2021, c. 277, §21 (AMD).

§17922. Applicability

This article applies to all disabilities for which written applications are received by the chief executive officer after September 30, 1989. [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 2021, c. 548, §45 (REV).

§17923. Statement of health

(REPEALED)

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1995, c. 643, §8 (RP).

§17924. Qualification for benefit

1. Qualification. Except as provided in subsection 2, a member qualifies for a disability retirement benefit if disabled while in service and, for a member who by election remains covered under this section as written prior to its amendment by Public Law 1991, chapter 887, section 7, before normal retirement age.

A. [PL 1991, c. 887, §7 (RP).]

B. [PL 1991, c. 887, §7 (RP).]

[PL 1997, c. 384, §7 (AMD).]

2. Exception. A member with fewer than 5 years of continuous creditable service preceding that member's last date in service is not eligible for a disability retirement benefit if the disability is the result of a physical or mental condition that existed before the member's membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

[PL 2009, c. 322, §8 (AMD).]

3. Qualification of a disabled veteran. Subject to the provisions in subsections 1 and 2, if a member applying for a disability retirement benefit is receiving disability compensation from the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability pursuant to 38 Code of Federal Regulations, Section 4.16, it is presumed that the member is disabled under section 17921, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs in making the individual unemployability determination. Notwithstanding section 17922, this subsection applies to any application for a disability retirement benefit made by a member on or after October 1, 2018.

[PL 2017, c. 384, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 434, §2 (AMD). PL 1991, c. 887, §7 (AMD). PL 1997, c. 384, §7 (AMD). PL 2007, c. 491, §177 (AMD). PL 2009, c. 322, §8 (AMD). PL 2017, c. 384, §1 (AMD).

§17925. Application

1. Written application. In order to receive a benefit under this article, a person must apply in writing to the chief executive officer in the format specified by the chief executive officer.

A. [PL 2021, c. 277, §22 (RP).]

B. [PL 1995, c. 643, §10 (RP).]
[PL 2021, c. 277, §22 (AMD); PL 2021, c. 548, §45 (REV).]

2. Workers' compensation. If the incapacity upon which the application is based is a result of an injury or accident received in the line of duty, the application must include proof that the member has made application for benefits under the workers' compensation laws.
[PL 2015, c. 392, §1 (AMD).]

3. Social security. If the employment for which creditable service with the employer is allowed was also covered under the United States Social Security Act, the application must include proof that the member has made application for benefits under this Act.
[PL 2015, c. 392, §1 (AMD).]

4. Approval. The written application must be approved by the chief executive officer upon finding that the member has met the requirements of section 17924.
[PL 2015, c. 392, §1 (AMD); PL 2021, c. 548, §4 (REV).]

5. Reapplication. A member who has had a disability retirement benefit application denied may file a new application based on the same medical conditions only if that member has had a bona fide return to service with an employer whose employees are covered by this article or chapter 425, subchapter 5, article 3-A. If the chief executive officer finds that the member has met the requirements of section 17924, the new application must be approved notwithstanding the earlier denial.
[PL 2015, c. 392, §1 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1995, c. 643, §§9,10 (AMD). PL 2015, c. 392, §1 (AMD). PL 2017, c. 88, §25 (AMD). PL 2021, c. 277, §22 (AMD). PL 2021, c. 548, §45 (REV).

§17926. Examinations or tests

Any examinations or tests conducted under section 17106-B or required by the chief executive officer under section 17921, subsection 1, paragraph D; section 17924; section 17929, subsection 2, paragraph B; or section 17933, subsection 3, paragraph A are governed as follows. [PL 2021, c. 277, §23 (AMD); PL 2021, c. 548, §45 (REV).]

1. Agreed upon health care provider. The examinations or tests must be conducted by a health care provider mutually agreed upon by the chief executive officer and the member claiming to be disabled.

[PL 2021, c. 277, §23 (AMD); PL 2021, c. 548, §45 (REV).]

2. Agreed upon place. The examinations or tests must be conducted at the health care provider's office or facility or at a place mutually agreed upon by the chief executive officer and the member claiming to be disabled.

[PL 2021, c. 277, §23 (AMD); PL 2021, c. 548, §45 (REV).]

3. Costs. The costs incurred under subsections 1 and 2 must be paid by the retirement system.
[PL 2021, c. 277, §23 (AMD).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1995, c. 643, §11 (AMD). PL 2017, c. 88, §26 (AMD). PL 2021, c. 277, §23 (AMD). PL 2021, c. 548, §45 (REV).

§17927. Rehabilitation

Upon agreement of the chief executive officer and the person, rehabilitation services may be provided to any person who is the recipient of a disability retirement benefit under this article as a means to the person being able to return to substantially gainful activity. As a condition of entering into an agreement to provide rehabilitation services, the chief executive officer must determine that rehabilitation is feasible, that rehabilitation is consistent with the purposes of this article, that the recipient is suitable for rehabilitation services and that rehabilitation services are likely to lead to substantially gainful activity. Services must be provided by private and public rehabilitation counselors, government agencies and others approved by the chief executive officer as qualified to provide rehabilitation services. The chief executive officer shall consider a rehabilitation counselor's rate of successfully placing rehabilitated employees in jobs relative to the placement rates of other counselors in the State as fundamental in deciding whether to approve the counselor as qualified. This section does not affect the ongoing requirement that a person remain disabled in order to continue to receive disability benefits. [PL 2021, c. 277, §24 (AMD); PL 2021, c. 548, §45 (REV).]

For the purposes of this section, "person" means any person who is the recipient of a disability retirement benefit. [PL 2003, c. 387, §5 (NEW).]

1. Rehabilitation plan. If the chief executive officer makes the determinations necessary to provide rehabilitation services under this section and rehabilitation is agreed to by the parties, the retirement system shall designate a rehabilitation provider to evaluate the person and develop a rehabilitation plan.

[PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

2. Costs. The chief executive officer may contract with rehabilitation providers to develop and carry out approved rehabilitation plans.

A. Except as provided in paragraph B, the chief executive officer shall pay these providers from funds accumulated in the Retirement Allowance Fund, established under section 17251. [PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

B. If the person is entitled to other benefits to meet the cost of rehabilitation services, that person must first apply for and use those benefits to the extent available to pay for the goods and services provided. [PL 1989, c. 409, §§8, 12 (NEW).]

[PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

3. Approval of rehabilitation plan. The chief executive officer and the person shall approve any rehabilitation plan developed under subsection 1 and shall indicate in writing their approval of and agreement to the rehabilitation plan. The person shall approve the plan within 30 days or, within that time period, submit to the executive director the name of an alternate provider for the chief executive officer's consideration. If the rehabilitation plan includes return to employment with the employer for whom the person worked before becoming disabled, the employer shall also indicate in writing approval of the plan.

[PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

4. Decline of rehabilitation.

[PL 2003, c. 387, §5 (RP).]

5. Monitoring of rehabilitation plan. Each rehabilitation plan approved by the chief executive officer shall contain a provision for periodic review of progress being made by the person toward achieving the goal of the plan and substantially gainful activity. The provision relating to review must include authority for the chief executive officer to terminate the plan or to amend the plan with the same provider or with a change of provider, based upon results of the review or at the request of the person or the provider. Subsections 1, 2 and 3 apply to any amended plans under this subsection. A person is entitled to a single rehabilitation plan during the course of the person's incapacity, except when the person demonstrates that a termination of the plan was reasonable and for good cause. Any entitlement

to amend a rehabilitation plan or establish a new plan ends with a determination by the chief executive officer that the person is no longer disabled.

[PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

6. Return to service. If the rehabilitation plan includes return to employment with the person's former employer, that person must be reemployed in accordance with the plan. The chief executive officer shall notify the former employer, in writing, that the person has completed the rehabilitation plan and is ready to return to employment. The former employer shall reemploy the person in the first available position for which that person is qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including training and education received under that person's rehabilitation plan.

[PL 2003, c. 387, §5 (AMD); PL 2021, c. 548, §45 (REV).]

7. Other employment under system. A person is not required to accept employment that reasonably necessitates relocation or for which the person is not qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including training and education received under that person's rehabilitation plan. The disability retirement benefit may not be discontinued except as provided by section 17929 or until the person is reemployed consistent with this section.

[PL 2003, c. 387, §5 (AMD).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 580, §§9,10 (AMD). PL 1995, c. 643, §§12,13 (AMD). PL 2003, c. 387, §5 (AMD). PL 2021, c. 277, §24 (AMD). PL 2021, c. 548, §45 (REV).

§17928. Computation of benefit

Until July 1, 1996, when a member qualified under section 17924 retires, after approval for disability retirement by the chief executive officer in accordance with section 17925, the member is entitled to receive a disability retirement benefit equal to 59% of that member's average final compensation. The 59% level must be reviewed for cost-neutral comparability as a part of the actuarial investigation provided under section 17107, subsection 2, paragraph E, beginning with the investigation made January 1, 1997 and every 6 years thereafter. The review that takes place every 6 years must compare actual experience under the disability plans with actuarial assumptions regarding election and costs of benefits under the new options elected and identify possible options for compliance with the federal Older Workers Benefit Protection Act that protect benefits for employees without additional cost to the State and participating local districts. [PL 1997, c. 384, §8 (AMD); PL 2021, c. 548, §45 (REV).]

A member who by election remains covered, as to qualification for benefits, under section 17924 as written prior to its amendment by Public Law 1991, chapter 887, section 7, qualifies for a disability retirement benefit on meeting the requirements of section 17924, subsection 1, paragraphs C and D. When a member so qualified retires after approval for disability retirement by the chief executive officer in accordance with this Article, the member is entitled to receive a disability retirement benefit equal to 66 2/3% of the member's average final compensation. [PL 1997, c. 384, §8 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 887, §8 (AMD). PL 1993, c. 595, §8 (AMD). PL 1995, c. 643, §14 (AMD). PL 1997, c. 384, §8 (AMD). PL 2021, c. 548, §45 (REV).

§17929. Payment of benefit

1. Beginning. Payment of disability retirement benefits shall begin on the first day of the month following the date of termination of active service of the member, but not more than 6 months before

the date of receipt by the chief executive officer of the written application, by or on behalf of the member, for disability retirement, unless it is shown that:

A. It was not reasonably possible to file the application for disability retirement benefits within the 6-month period; and [PL 1989, c. 409, §§8, 12 (NEW).]

B. The application was made as soon as reasonably possible. [PL 1989, c. 409, §§8, 12 (NEW).] [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

2. Cessation. Payment of disability retirement benefits shall continue as long as a person is disabled, except that:

A. The disability retirement benefit ceases and a service retirement benefit begins when the service retirement benefit of a person equals or exceeds the amount of the disability retirement benefit.

(1) When calculating the person's service retirement benefit, the average final compensation is the average final compensation at the time that person terminated active service before receiving disability retirement benefits adjusted by the same percentage adjustments, if any, that were applied to the disability retirement benefits under section 17806.

(2) The person is entitled to receive service credit for the purpose of determining benefits under this Part for the period following termination of service for which that person receives disability retirement benefits under this article. [PL 1991, c. 887, §9 (AMD).]

A-1. For a person who by election or by having retired on disability retirement prior to October 16, 1992, remains covered under this section as written prior to its amendment by Public Law 1991, chapter 887, section 9, the disability retirement benefit ceases:

(1) On the last day of the month in which the 10th anniversary of the beneficiary's normal retirement age, as defined in section 17001, subsection 23, occurs; or

(2) When the service retirement benefit of a person equals or exceeds the amount of the disability retirement benefit, if that occurs before the beneficiary's normal retirement age. [PL 1997, c. 384, §9 (NEW).]

B. The chief executive officer may require, once each year, that the person undergo examinations or tests, conducted in accordance with section 17926, to determine the person's disability.

(1) After the disability has continued for 2 years, the disability must render the person unable to engage in any substantially gainful activity that is consistent with the person's training, education or experience and average final compensation adjusted by the same percentage adjustment as has been received under section 17806. The disability retirement benefit continues if the person can effectively demonstrate to the chief executive officer that the person is actively seeking work. For the purposes of this subparagraph, the ability to engage in substantially gainful activity is demonstrated by the ability to perform work resulting in annual earnings that exceed \$20,000 or 80% of the recipient's average final compensation at retirement, whichever is greater, adjusted by the same percentage adjustments granted under section 17806.

(2) If the person refuses to submit to the examinations or tests under this paragraph, the disability retirement benefit is discontinued until that person withdraws the refusal.

(3) If the person's refusal under subparagraph (2) continues for one year, all rights to any further benefits under this article cease.

(4) If it is determined, on the basis of the examinations or tests under this paragraph, that the disability of a person no longer exists, the payment of the disability retirement benefit ceases.

(5) The chief executive officer shall notify the person in writing of the decision to discontinue the disability retirement allowance under subparagraph (2) or (4).

(a) The decision is subject to appeal under section 17451.

(b) If the person appeals the chief executive officer's decision, the disability retirement allowance may not be discontinued until all appeals have been exhausted. [PL 2021, c. 277, §25 (AMD); PL 2021, c. 548, §45 (REV).]

[PL 2021, c. 277, §25 (AMD); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 887, §9 (AMD). PL 1995, c. 643, §15 (AMD). PL 1997, c. 384, §9 (AMD). PL 2003, c. 675, §2 (AMD). PL 2021, c. 277, §25 (AMD). PL 2021, c. 548, §45 (REV).

§17930. Reduction in amount of benefit

1. Definition. As used in this section, unless the context otherwise indicates, "adjusted final compensation" means the rate of pay of the person immediately before termination and becoming the recipient of a disability retirement benefit adjusted by the same percentage adjustment as has been received under section 17806.

[PL 1989, c. 409, §§8, 12 (NEW).]

2. Compensation from employment not covered by this article. If any person who is the recipient of a disability retirement benefit receives compensation in any year from engaging in any gainful activity or from employment with an employer whose employees are not covered by this article or chapter 425, subchapter 5, article 3-A that exceeds the greater of \$20,000 in calendar year 2000 or in any subsequent year that amount as cumulatively increased by the same percentage adjustments granted under section 17806, or the difference between the person's disability retirement benefit for that year and the person's average final compensation at the time that the person became a recipient of a disability retirement benefit, increased by the same percentage adjustments as have been granted by section 17806:

A. The excess must be deducted from the disability or service retirement benefits during the next calendar year; the deductions to be prorated on a monthly basis in an equitable manner prescribed by the board over the year or part of the year for which the benefits are received; [PL 2001, c. 443, §2 (AMD); PL 2001, c. 443, §7 (AFF).]

B. The person shall reimburse the retirement system for any excess payments not deducted under paragraph A. If the retirement benefit payments are eliminated by this subsection, the disability is deemed to no longer exist, the payment of the disability retirement benefit must be discontinued and, except as provided in paragraph C, all of the person's rights to benefits under this article cease; [PL 2001, c. 443, §2 (AMD); PL 2001, c. 443, §7 (AFF).]

C. If, during the first 5 years of reemployment, the person again becomes disabled, terminates employment and is not covered by any other disability program, the retirement system shall resume paying the disability retirement benefit payable prior to the reemployment with all applicable cost-of-living adjustments and shall provide rehabilitation services in accordance with section 17927. If the benefit payable under the other disability program is not equal to or greater than the benefit under this article, the retirement system shall pay the difference between the amount of the benefit payable under the other disability program and the amount of the benefit payable under this article. The chief executive officer shall require examinations or tests to determine whether the person is disabled as described in section 17921; and [PL 2021, c. 548, §31 (AMD).]

D. At any time before the elimination of disability retirement benefit payments by this subsection, the person may request that benefit payments be terminated, and the chief executive officer shall terminate benefit payments at the end of the month in which the request is received. [PL 2021, c. 548, §31 (AMD).]

[PL 2021, c. 548, §31 (AMD).]

3. Compensation from employment covered by this article. If any person who is the recipient of a disability retirement benefit is reemployed by that person's prior employer or any other employer whose employees are covered by this article or chapter 425, subchapter V, article 3-A, and if the total of the person's disability benefit for any year and the person's total earnable compensation for that year exceeds the adjusted final compensation:

A. The disability or service retirement benefits will be reduced during the next calendar year by the amount that the total compensation exceeds the adjusted final compensation; [PL 1989, c. 409, §§8, 12 (NEW).]

B. The deductions shall be prorated on a monthly basis in an equitable manner prescribed by the board over the year or part of the year during which the benefits are received; [PL 1989, c. 409, §§8, 12 (NEW).]

C. The person shall reimburse the retirement system for any excess payments not deducted under paragraph A; [PL 1989, c. 409, §§8, 12 (NEW).]

D. The retirement benefit payments are eliminated by this subsection if:

(1) The person again becomes a member of the State Employee and Teacher Retirement Program and begins contributing at the current rate; and

(2) When the person again retires, the person shall receive benefits computed on the basis of that person's entire creditable service and in accordance with the law in effect at that time; [PL 2007, c. 491, §178 (AMD).]

E. If, during the first 5 years of reemployment, the person again becomes disabled and terminates employment, the retirement system shall resume paying the disability retirement benefit payable prior to the reemployment with all applicable cost-of-living adjustments, or if greater, a disability retirement benefit based upon the person's current average final compensation and shall provide rehabilitation services in accordance with section 17927. The chief executive officer shall require examinations or tests to determine whether the person is disabled as defined in section 17921; and [PL 2021, c. 277, §27 (AMD); PL 2021, c. 548, §45 (REV).]

F. At any time before the elimination of disability retirement benefit payments by this subsection, the person may request that benefit payments be terminated and the chief executive officer shall terminate benefit payments at the end of the month in which the request is received. [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]
[PL 2021, c. 277, §27 (AMD); PL 2021, c. 548, §45 (REV).]

4. Disability payments under other laws. The reduction of disability retirement benefits because of disability benefits received under other laws is governed as follows.

A. The amount of any disability retirement benefit payable under this article must be reduced by any amount received by the person for the same disability under either or both of the following:

(1) The workers' compensation or similar laws, except amounts that may be paid or payable under former Title 39, section 56-B or Title 39-A, section 212, subsection 3; or

(2) The United States Social Security Act, if the employment for which creditable service with the employer is allowed was also covered under that Act at the date of disability retirement. [PL 1991, c. 885, Pt. E, §11 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

B. The reduction in the disability retirement benefit is governed as follows:

(1) The initial disability retirement benefit shall be reduced if necessary so that the benefit plus any benefits under paragraph A do not exceed 80% of the person's average final compensation;

(2) The amount determined by the calculation under subparagraph (1) shall not be adjusted when cost-of-living adjustments are applied to the benefits listed under paragraph A; and

(3) Adjustments under section 17806 shall be applied to the reduced disability retirement benefit calculated under subparagraph (1) or paragraph C. [PL 1989, c. 409, §§8, 12 (NEW).]

C. The disability retirement benefit may not be reduced below the amount of the retirement benefit which is the actuarial equivalent of the member's accumulated contributions at the time of retirement. [PL 1989, c. 409, §§8, 12 (NEW).]

D. Lump-sum settlements of benefits that reduce the disability retirement benefit under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

(1) These prorated lump-sum settlements may not include any part of the lump-sum settlement attributable to rehabilitation, attorneys', physicians', nurses', hospital, medical, surgical or related fees or charges or any amount paid or payable under former Title 39, section 56-B or Title 39-A, section 212, subsection 3.

(2) These prorated lump-sum settlements must reduce the disability retirement benefit in the same manner and amount as monthly benefits under this subsection. [PL 1991, c. 885, Pt. E, §11 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

E. Any dispute about amounts paid or payable under workers' compensation or the amount of the lump-sum settlement and its attributions must be determined on petition by a single member of the Workers' Compensation Board in accordance with Title 39-A. These determinations may be appealed under Title 39-A, section 322. [PL 1991, c. 885, Pt. E, §11 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

[PL 1991, c. 885, Pt. E, §11 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 885, §E11 (AMD). PL 1991, c. 885, §E47 (AFF). PL 2001, c. 443, §2 (AMD). PL 2001, c. 443, §7 (AFF). PL 2007, c. 491, §178 (AMD). PL 2021, c. 277, §§26, 27 (AMD). PL 2021, c. 548, §31 (AMD). PL 2021, c. 548, §45 (REV).

§17931. Statement of compensation

1. Requirement. The chief executive officer shall require each person who is the recipient of a disability retirement benefit to submit, each calendar year, a statement of compensation received from any gainful occupation during that year.

[PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

2. Failure to submit statement. Failure to submit the statement under subsection 1 shall result in the following:

A. If the person fails to submit the statement required under subsection 1 within 30 days of receipt of the chief executive officer's request for the statement, the disability retirement benefit shall be withheld until the statement is submitted; or [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

B. If the person fails to submit the statement required under subsection 1 within one year of receipt of the chief executive officer's request for the statement, all rights to further benefits shall cease.

(1) The chief executive officer shall notify the person in writing of the decision to discontinue the disability retirement benefit.

(2) The decision shall be subject to appeal under section 17451.

(3) If the person appeals the chief executive officer's decision, the disability retirement allowance shall not be discontinued until all appeals have been exhausted. [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

[PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 2021, c. 548, §45 (REV).

§17932. Voluntary return to service

1. Right to reinstatement. If a person who is the recipient of a disability retirement benefit decides that the person is no longer incapacitated and is able to perform the duties of that person's employment position, the employer for whom the person last worked before becoming disabled shall reinstate the person to the first available position for which the person is qualified and which is consistent with the person's prior work experience. If a collective bargaining agreement applies to such a position, the employer may offer only a position which the person may claim by virtue of seniority accumulated at the time of the disability, unless otherwise specified in the collective bargaining agreement.
[PL 1989, c. 409, §§8, 12 (NEW).]

2. Dispute over mental or physical capacity. If there is a dispute between the person and the former employer over the person's mental or physical capacity to perform a specific job, at the option of the person that dispute must be resolved by a majority of 3 health care providers, one appointed and reimbursed by the person, one appointed and reimbursed by the employer and one appointed and reimbursed by the retirement system. If the 3 health care providers resolve the dispute in favor of the person, the former employer must reimburse the health care provider appointed by the person.
[PL 2021, c. 277, §28 (AMD).]

3. Termination or reduction in benefits. At any time before the elimination of disability retirement benefit payments under section 17930, subsection 3, the person may request that benefit payments be terminated and the chief executive officer shall terminate benefit payments at the end of the month in which the request is received.
[PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

4. Reinstatement of benefits. If, during the first 5 years of reinstatement, the person again becomes disabled and terminates employment, the retirement system shall resume paying the disability retirement benefit payable before the reinstatement with all applicable cost-of-living adjustments, or if greater, a disability retirement benefit based upon the person's current average final compensation. The chief executive officer may require examinations or tests to determine whether the person is disabled under section 17921.
[PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 2017, c. 88, §27 (AMD). PL 2021, c. 277, §28 (AMD). PL 2021, c. 548, §45 (REV).

§17933. Service retirement

1. Average final compensation. The service retirement benefit of a person who returns to employment with that person's former employer or any other employer whose employees are covered by this article or chapter 425, subchapter V, article 3-A, after having been the recipient of a disability retirement benefit, shall be computed in its entirety using the average final compensation as defined by section 17001, subsection 4, on the date of that person's termination from service immediately before becoming the recipient of a service retirement benefit.
[PL 1989, c. 409, §§8, 12 (NEW).]

2. Cost of benefits. The cost of benefits based upon service credits earned before and during disability must be charged to the Retirement Allowance Fund. The cost of benefits based upon service credits earned after becoming reemployed must be charged to the account of the employer through whom the service credits were earned.
[PL 2007, c. 249, §27 (AMD).]

3. Special plans. The service credits earned after return to employment by a person who was employed under a special plan before becoming the recipient of a disability retirement benefit shall be credited toward completing the service requirements for retirement under that special plan. As used in this section, unless the context otherwise indicates, "special plan" means any of the retirement programs in section 17851, subsections 4 to 11 or section 18453, subsections 2 to 9.

A. The chief executive officer may require, once each year, that the member undergo examinations or tests, conducted in accordance with section 17926, to determine that the member is still disabled to the extent that it is impossible to perform the duties of that member's former employment position. [PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

B. If the member refuses to submit to the examinations or tests under paragraph A, the service credits earned after that date shall be based upon the plan applicable to the position in which the member is currently employed. [PL 1989, c. 409, §§8, 12 (NEW).]

C. If it is determined on the basis of the examinations or tests under paragraph A that the member is no longer disabled to the extent that it is impossible to perform the duties of the former employment position, the member shall:

(1) Return to employment in a position covered by the same special plan or a comparable special plan that covered the former employment position; or

(2) Remain in the current employment position and have the service credits earned thereafter based upon the plan applicable to the position in which the member is currently employed. [PL 1989, c. 409, §§8, 12 (NEW).]

[PL 1989, c. 409, §§8, 12 (NEW); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). PL 2007, c. 249, §27 (AMD). PL 2021, c. 548, §45 (REV).

§17934. Optional election

Any person entitled to receive a disability retirement benefit under article 3, as in effect immediately before October 1, 1989, may elect to be governed by this article instead of article 3 by making written application to the chief executive officer within 6 months of October 1, 1989. [RR 1997, c. 2, §22 (COR); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1989, c. 409, §§8,12 (NEW). RR 1997, c. 2, §22 (COR). PL 2021, c. 548, §45 (REV).

ARTICLE 3-B

MEMBER ELECTION OF DISABILITY PLAN

§17941. Member election of disability plan

(REPEALED)

SECTION HISTORY

PL 1991, c. 887, §10 (NEW). PL 1995, c. 643, §16 (RP).

ARTICLE 4

ORDINARY DEATH BENEFITS

§17951. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 801, §§ 5, 7 (NEW).]

1. Designated beneficiary. "Designated beneficiary" means the beneficiary designated under section 17952.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Qualifying member. "Qualifying member" means a member in service or a former member who is receiving a disability retirement benefit. Beginning July 1, 1993, for purposes of section 17953, subsection 1, "qualifying member" also means a member not in service. For purposes of section 17953, subsection 5-B, "qualifying member" also means a member not in service who has qualified for a service retirement benefit.

[PL 1991, c. 469, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 469, §1 (AMD).

§17952. Designated beneficiary

A qualifying member may designate a beneficiary to receive benefits upon the qualifying member's death by filing a written designation of beneficiary with the chief executive officer. The last designation of any beneficiary revokes all previous designations. In order to be in effect, the written designation must be received by the retirement system office or be postmarked before the qualifying member's death. [PL 2011, c. 449, §9 (AMD); PL 2021, c. 548, §45 (REV).]

1. Designation of more than one beneficiary. A member may designate more than one person as a beneficiary subject to the following limitations.

A. If more than one person is designated as a beneficiary and:

(1) If one of the persons designated is eligible to receive benefits under section 17953, subsection 3 and the other persons designated are eligible to receive benefits under section 17953, subsection 4, there is no limit to the number of persons eligible to receive benefits under section 17953, subsection 4 who may be designated;

(2) If all of the persons designated are eligible to receive benefits under section 17953, subsection 4, there is no limit to the number of persons who may be designated; or

(3) If all of the persons designated are eligible to receive benefits under section 17953, subsection 5, no more than 2 persons may be designated. [PL 1989, c. 658, §1 (NEW).]

B. If the person designated as a beneficiary is the member's spouse, that designation includes all of the member's dependent children so long as the person designated meets the definition of spouse in section 17001, subsection 39. [PL 1989, c. 658, §1 (NEW).]

[PL 1989, c. 658, §1 (NEW).]

2. Limitations. If a member designates as beneficiaries 2 or more persons, all must meet the requirements of one, and only one, of the subparagraphs of subsection 1, paragraph A, otherwise their eligibility to receive a benefit under this article shall be limited to section 17953, subsection 1 or section 17954.

[PL 1989, c. 658, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 658, §1 (AMD). PL 2011, c. 449, §9 (AMD). PL 2021, c. 548, §45 (REV).

§17953. Death before service retirement

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

Before July 1, 1993, if a qualifying member dies at any time before completing the age and service requirements for service retirement, the payment of ordinary death benefits is governed as follows. Beginning July 1, 1993, if a qualifying member dies before the member's service retirement benefit becomes effective, the payment of ordinary death benefits is governed as follows. In either case, the member's beneficiary may select only one of the death benefits. [PL 1991, c. 469, §2 (AMD).]

1. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18) Refund of contributions. The amount of the qualifying member's accumulated contributions, as determined under section 17705-A, is paid:

- A. To the qualifying member's designated beneficiary, if any; [PL 1991, c. 469, §2 (AMD).]
- B. If the qualifying member is not survived by a designated beneficiary, to the first listed of the following relatives alive at the qualifying member's death:
 - (1) Surviving spouse;
 - (2) Child or children, regardless of age, sharing equally among themselves; or
 - (3) The older parent; or [PL 1985, c. 801, §§5, 7 (NEW).]

C. To the qualifying member's estate. [PL 1991, c. 469, §2 (AMD).]
[PL 2007, c. 137, §16 (AMD).]

1. (TEXT EFFECTIVE ON CONTINGENCY: See PL 1991, c. 619, §18) Refund of contributions. The amount of the qualifying member's accumulated contributions is paid:

- A. To the qualifying member's designated beneficiary, if any; [PL 1991, c. 469, §2 (AMD).]
- B. If the qualifying member is not survived by a designated beneficiary, to the first listed of the following relatives alive at the qualifying member's death:
 - (1) Surviving spouse;
 - (2) Child or children, regardless of age, sharing equally among themselves; or
 - (3) The older parent; or [PL 1985, c. 801, §§5, 7 (NEW).]

C. To the qualifying member's estate. [PL 1991, c. 469, §2 (AMD).]
[PL 1991, c. 469, §2 (AMD).]

2. Survivor benefits. Survivor benefits are governed as follows.

A. Instead of accepting the payment provided in subsection 1, the first listed of the following who are living at the death of the qualifying member may elect the benefits described in subsections 3 to 5-B:

- (1) The designated beneficiary, if any; or
- (2) If no beneficiary is designated, the surviving spouse, the dependent child or dependent children, or the parent or parents. [PL 1991, c. 469, §2 (AMD).]

B. If the surviving spouse elects a benefit under this subsection, the dependent child or dependent children are entitled to receive the benefit under subsection 4. [PL 1991, c. 469, §2 (AMD).]

C. A person entitled to receive benefits under this section may, before the beginning of benefit payments, elect to receive benefits under section 17852, subsection 4, paragraph A; under section 17852, subsection 5, paragraph A; under section 17852, subsection 6, paragraph A; or under article 5 instead of benefits under this section.

- (1) In order to elect these survivor benefits, both the qualifying member and the beneficiary must comply with each requirement of those provisions.

(2) If no election is made under this paragraph, benefits payable under this section are in lieu of any benefits payable under section 17852, subsection 4, paragraph A; under section 17852, subsection 5; under section 17852, subsection 6; or under article 5. [PL 1991, c. 469, §2 (AMD).]

[PL 1991, c. 469, §2 (AMD).]

3. Amount of survivor benefit payment to surviving spouse. If the surviving spouse of the qualifying member elects a benefit under subsection 2, paragraph A, only one of the following options may be paid at one time.

A. A surviving spouse of the qualifying member is paid a \$150 benefit each month beginning the first month after the death occurs and continuing during the surviving spouse's lifetime, if:

- (1) The deceased qualifying member had 10 years of creditable service at the time of death; or
- (2) The surviving spouse is certified by an independent health care provider or the medical review service provider to be permanently mentally incompetent or permanently physically incapacitated and is determined by the chief executive officer to be unable to engage in any substantially gainful employment.

A full month's benefit is paid to the estate of the surviving spouse for the month in which the surviving spouse dies. [PL 2021, c. 277, §29 (AMD); PL 2021, c. 548, §45 (REV).]

B. A surviving spouse of the qualifying member who has the care of the dependent child or children of the deceased qualifying member and who is not eligible to receive a benefit under paragraph A is paid a \$150 benefit each month, beginning the first month after the death of the qualifying member and continuing during the surviving spouse's lifetime until the end of the month in which the dependent child or children are no longer in the surviving spouse's care. [PL 1991, c. 469, §2 (AMD).]

C. A surviving spouse of the qualifying member who is not eligible to receive a benefit under paragraph A or B is paid a \$150 benefit each month, beginning the first month after the surviving spouse reaches 60 years of age and continuing during the surviving spouse's lifetime.

A full month's benefit is paid to the estate of the surviving spouse for the month in which the surviving spouse dies. [PL 1991, c. 469, §2 (AMD).]

D. The \$150 benefit specified under paragraphs A, B and C is increased to \$225 on July 1, 1989, and \$300 on July 1, 1990. Starting July 1, 1991, the \$300 benefit must be adjusted annually at the same time and by the same percentage as adjustments under section 17806. [PL 1991, c. 469, §2 (AMD).]

E. Only one beneficiary of a qualifying member is entitled to receive the benefit under this subsection. [PL 1991, c. 469, §2 (AMD).]

[PL 2021, c. 277, §29 (AMD); PL 2021, c. 548, §45 (REV).]

4. Amount of survivor benefit to dependent children. If the dependent child or children or surviving spouse of the deceased qualifying member elects a benefit under subsection 2, paragraph A, the payment of benefits to the dependent child or children is governed as follows.

A. The amount of survivor benefit is determined as follows.

(1) Until January 1, 1989:

- (a) One dependent child is paid \$150 each month;
- (b) Two dependent children are paid \$225 each month which must be divided equally between them; and

(c) Three or more dependent children are paid \$300 each month which must be divided equally among them.

(2) Starting January 1, 1989, each dependent child receives a benefit of \$150 a month.

(3) Starting July 1, 1989, each dependent child receives a benefit of \$175 a month.

(4) Starting July 1, 1990, each dependent child receives a benefit of \$200 a month.

(5) Starting July 1, 1991, each dependent child receives a benefit of \$225 a month.

(6) Starting July 1, 1992, each dependent child receives a benefit of \$250 a month.

(7) Starting July 1, 1993, the benefit specified under subparagraph (6) must be adjusted annually at the same time and by the same percentage as adjustments under section 17806. [PL 1991, c. 469, §2 (AMD).]

B. The benefits begin the first month after the death of the qualifying member and are payable to each dependent child, in accordance with Title 18-C, Article 5, until the end of the month in which the child no longer meets the definition of "dependent child" in section 17001, subsection 12. [PL 2017, c. 402, Pt. C, §15 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. When any dependent child becomes ineligible to receive benefits under this subsection, the other dependent children, if any, continue to receive benefits in accordance with this subsection. [PL 1991, c. 469, §2 (AMD).]

D. The combined benefits under subsection 3 and this subsection may not exceed 80% of the deceased qualifying member's average final compensation adjusted annually at the same time and at the same percentage as adjustments under subsection 10. [PL 1987, c. 529, §1 (NEW).]
[PL 2017, c. 402, Pt. C, §15 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Amount of survivor benefit to parents. If the parent of the deceased qualifying member elects a benefit under subsection 2, paragraph A, the payment of benefits is governed as follows.

A. The amount of the benefit is determined as follows.

(1) A parent who is alive at the time of the death of the qualifying member is paid \$150 per month if the parent is at least 60 years of age or, if not, when the parent reaches that age.

(2) If both parents are eligible for benefits under this article, and the older parent elects benefits under this subsection, the older parent is paid \$150 per month and the younger parent is paid \$105 per month upon reaching 60 years of age.

(3) Upon the death of either parent, the surviving parent receives \$150 per month. [PL 1991, c. 469, §2 (AMD).]

B. The payment of benefits to any parent begins the first month after the death of the qualifying member and continues until the death of the parent. [PL 1991, c. 469, §2 (AMD).]

C. Benefits are payable under this subsection only if no other benefits have been paid under subsection 3 or 4. [PL 1985, c. 801, §§5, 7 (NEW).]

D. Starting July 1, 1989, the benefits specified under paragraph A must be adjusted annually at the same time and at the same percentage as adjustments under subsection 10. [PL 1991, c. 469, §2 (AMD).]

E. No more than 2 beneficiaries of a qualifying member may be entitled to receive the benefit under this subsection. [PL 1989, c. 658, §3 (NEW).]
[PL 1991, c. 469, §2 (AMD).]

5-A. Amount of survivor benefit to designated beneficiary. If a designated beneficiary, other than the surviving spouse, dependent child, dependent children or the parent or parents of a deceased

qualifying member, elects a benefit under subsection 2, paragraph A, the payment of benefits is governed as follows.

A. A designated beneficiary who is alive at the time of the death of the qualifying member is paid \$150 per month beginning the first month after the death occurs and continuing until the date of the designated beneficiary's death, if the designated beneficiary is certified by an independent health care provider or the medical review service provider to be permanently mentally incompetent or permanently physically incapacitated and is determined by the chief executive officer to be unable to engage in any substantially gainful employment. [PL 2021, c. 277, §30 (AMD); PL 2021, c. 548, §45 (REV).]

B. A designated beneficiary who is alive at the time of the death of the qualifying member and is a person under 18 years of age, or under 22 years of age if the person is a full-time student, is paid \$150 per month beginning the first month after the death occurs and continuing until the person no longer meets the age criteria of this paragraph. [PL 1991, c. 469, §2 (AMD).]

C. A designated beneficiary of the qualifying member who has the care of the dependent child or children of the deceased qualifying member, and who is not eligible to receive a benefit under paragraph A, has the option:

(1) To be paid \$150 per month, beginning the first month after the death of the qualifying member and continuing during the designated beneficiary's lifetime for as long as the dependent child or children are in the designated beneficiary's care;

(2) To transfer the right to receive a benefit to the children of the deceased qualifying member under subsection 4; or

(3) To elect a benefit under paragraph D. [PL 1991, c. 469, §2 (AMD).]

D. A designated beneficiary who is not eligible to receive a benefit under paragraph A, B or C is paid \$150 per month, beginning the first month after the designated beneficiary reaches 60 years of age and continuing until the date of death. [PL 1991, c. 469, §2 (AMD).]

E. Only one beneficiary of a qualifying member is entitled to receive the benefit under this subsection. [PL 1991, c. 469, §2 (AMD).]

[PL 2021, c. 277, §30 (AMD); PL 2021, c. 548, §45 (REV).]

5-B. Reduced retirement benefits. Beginning July 1, 1993, instead of accepting the benefits under subsection 1 or 2, the first listed person under paragraph A living at the time of death of the qualifying member may elect the benefits in this subsection.

A. The persons eligible to make the election under this subsection are the qualifying member's:

(1) Designated beneficiary;

(2) Surviving spouse;

(3) Child or children; or

(4) Parent or parents. [PL 1991, c. 469, §2 (NEW).]

B. Benefits under this subsection are paid as follows.

(1) The benefit is computed in accordance with section 17852, subsection 3, if applicable, as if the service retirement of the qualifying member had taken place on the date of the member's death.

(2) The beneficiary is paid beginning on the first day of the month after the death of the qualifying member and continuing until the last day of the month in which the beneficiary's death occurs.

(3) Benefits under this subsection are paid in accordance with section 17804, subsection 3. [PL 1991, c. 469, §2 (NEW).]

C. If the monthly benefit payable under this subsection is \$10 or less, in lieu of those payments a lump sum that is the actuarial equivalent of the benefit to which the beneficiary is entitled must be paid on the date the first monthly payment would otherwise be paid. A beneficiary who receives a lump sum payment under this subsection does not forfeit any other benefit to which the member would be entitled if the member were receiving a monthly benefit payment. [PL 1991, c. 469, §2 (NEW).]

[PL 1991, c. 469, §2 (NEW).]

6. Transfer of funds. If benefits are paid under subsections 3 to 5-B, the amount of the deceased qualifying member's accumulated contributions in the Members' Contribution Fund is transferred to the Retirement Allowance Fund.

[PL 2007, c. 249, §28 (AMD).]

7. Death of beneficiary before payment. If any person becomes entitled to the payment of benefits under this article and dies before either the refund check or the initial survivor benefit check is endorsed and presented to a holder in due course, the person is considered to have predeceased the qualifying member.

[PL 1985, c. 801, §§5, 7 (NEW).]

8. Change of choice of payment option. Any beneficiary under this article may change the choice of payment at any time up to the point of endorsement and presentation to a holder in due course of either the refund check or the initial survivor benefit payment.

[PL 1991, c. 469, §2 (AMD).]

9. Defeat of survivor's option. A qualifying member may specify that the refund of the member's accumulated contributions be paid to a designated beneficiary or to the qualifying member's estate in lieu of any payment to survivors under subsections 3 to 5-B by filing an affidavit expressing that intent with the chief executive officer.

[PL 1991, c. 469, §2 (AMD); PL 2021, c. 548, §45 (REV).]

10. Cost-of-living adjustment. If a retirement benefit adjustment is made for retired state employees and teachers, the same percentage increase must be applied to the payments made under subsections 3 to 5-B. The adjustment to payments made under subsections 3 to 5-B becomes effective on the same day as the adjustment for state employees and teachers.

[PL 1991, c. 469, §2 (AMD).]

11. Special options. Instead of accepting the payment provided in subsection 1, 2, 5-A or 5-B, a beneficiary may elect to receive benefits under section 17852, subsection 4, paragraph A; section 17852, subsection 5 or 6; or article 5.

A. To elect these benefits, both the qualifying member and the beneficiary must comply with each requirement of those provisions. [PL 1991, c. 469, §2 (NEW).]

B. If an election is not made under this subsection, benefits payable under this section are in lieu of any benefits payable under section 17852, subsection 4, paragraph A; section 17852, subsection 5 or 6; or article 5. [PL 1991, c. 469, §2 (NEW).]

[PL 1991, c. 469, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 529, §§1,2 (AMD). PL 1987, c. 823, §§1-3 (AMD). PL 1989, c. 658, §§2-4 (AMD). PL 1991, c. 469, §2 (AMD). PL 1991, c. 619, §10 (AMD). PL 2007, c. 137, §16 (AMD). PL 2007, c. 249, §28 (AMD). PL 2017, c. 402, Pt. C, §15 (AMD). PL

2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2021, c. 277, §§29, 30 (AMD). PL 2021, c. 548, §45 (REV).

§17954. Death after eligibility for retirement

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 469, §3 (AMD).

§17955. Transfer of funds

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §19 (RP).

ARTICLE 5

ACCIDENTAL DEATH BENEFITS

§18001. Definitions

As used in this article, unless the context otherwise indicates, "qualifying member" means a member who dies as a result of an injury arising out of and in the course of employment as an employee, or a former member receiving a disability retirement benefit who dies as a result of an injury arising out of and in the course of employment as an employee. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18002. Qualification for benefit

The beneficiary of a qualifying member shall receive a benefit in accordance with section 18003. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18003. Computation of benefit

1. Surviving spouse; no dependent children. If the qualifying member is survived by a spouse and no dependent child, the surviving spouse shall be paid $\frac{2}{3}$ of the average final compensation of the qualifying member.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Surviving spouse having care of dependent children. If the qualifying member is survived by a spouse who has the care of the dependent child or dependent children of the qualifying member, the surviving spouse shall be paid an annual sum equal to the average final compensation of the qualifying member.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

3. Surviving spouse not having care of dependent children. If the qualifying member is survived by a spouse who does not have the care of the dependent child or dependent children of the qualifying member, the surviving spouse shall share with the dependent child or dependent children an annual sum equal to the average final compensation of the qualifying member, the benefit to be divided equally among the surviving spouse and the dependent child or dependent children.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

4. No surviving spouse. If no spouse survives the qualifying member, the dependent child or dependent children shall be paid an annual sum equal to the average final compensation of the qualifying member.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18004. Method of payment

All benefits paid under this article shall be paid in equal monthly installments beginning the first month after the death of the qualifying member. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18005. Adjustment of benefits

1. Beneficiaries becoming ineligible. When a person sharing benefits under section 18003 ceases to be eligible to receive benefits, the subsequent benefits of the remaining beneficiaries shall be recalculated as if the remaining beneficiaries had been the only beneficiaries to survive the qualifying member.

[PL 1985, c. 801, §§5, 7 (NEW).]

2. Workers' compensation or similar law. The amount payable under this article must be reduced by any amount received by the surviving spouse and dependent child or dependent children under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a similar law. For purposes of this article, a death benefit paid to a law enforcement officer, firefighter or emergency medical services person under Title 25, chapter 195-A is not considered a benefit paid under a "similar law" and may not be used to reduce the amount payable under this article.

A. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board. [PL 1991, c. 885, Pt. E, §12 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

B. The prorated lump-sum settlement amounts must reduce the accidental death benefits payable monthly under this article. [PL 1991, c. 885, Pt. E, §12 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

[PL 2001, c. 439, Pt. CCCCC, §2 (AMD).]

3. Cost-of-living adjustments. Benefits under this article are subject to adjustment as provided in section 17806.

[PL 1993, c. 595, §9 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 885, §E12 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1993, c. 595, §9 (AMD). PL 2001, c. 439, §CCCCC2 (AMD).

§18006. Termination of benefits

The benefits under this article shall be paid to: [PL 1985, c. 801, §§ 5, 7 (NEW).]

1. Surviving spouse. The surviving spouse until he dies; and
[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Dependent children. The dependent child or dependent children until they die or until they no longer meet the definition of "dependent child" under section 17001, subsection 12.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18007. Benefits in lieu of article 4

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §20 (RP).

SUBCHAPTER 6

GROUP LIFE INSURANCE

§18051. Authorization

The board, and only the board, may purchase for the retirement system, from one or more life insurance companies, a policy or policies of life insurance, as defined by Title 24-A, section 702. [PL 1985, c. 801, §§ 5, 7 (NEW).]

1. Procedure. Proposals for the purchase of insurance may be solicited from one or more insurance companies on a competitive basis or an existing policy or policies may be renegotiated. [PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Licensed company. Any policy or policies purchased shall be purchased from a company or companies licensed under the laws of this State. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18052. Nature of policy

1. Limitation. All provisions of a policy or policies purchased under section 18051 shall be subject to the limitations of Title 24-A, sections 2601 to 2628. [PL 1985, c. 801, §§ 5, 7 (NEW).]

2. No reduction of benefits. No provisions of a policy or policies purchased under section 18051 may reduce the benefits granted under this subchapter. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18053. Rules

The board may promulgate and publish, in accordance with chapter 375, subchapter II, whatever rules are necessary and proper to give effect to the intent, purposes and provisions of this subchapter. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18053-A. Funds

All assets in the group life insurance program may be combined for investment purposes. The assets attributable to employers of state employees, teachers, Legislators and judges who are participants in the group life insurance program may not be combined with the assets attributable to

other group life insurance participants for benefit purposes. Premiums for retiree group life insurance coverage under section 18061, subsection 2, and interest and dividends attributable to those premiums, may not be used to provide benefits for participants who are not retirees. [PL 2017, c. 88, §28 (NEW).]

SECTION HISTORY

PL 2017, c. 88, §28 (NEW).

§18054. Administration

1. Expenses. All expenses of a group life insurance program shall be reimbursed from premium rate adjustments, dividends or interest earnings on reserves. [PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Report. A report of the activities of the group life insurance program shall be published annually.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18055. Participation

1. Availability. Except as provided in subsection 2 or 4, insurance purchased under section 18051 must be made available to the following persons:

A. Elective and appointive officers and employees of the State eligible for membership in the State Employee and Teacher Retirement Program or the Legislative Retirement Program; [PL 2007, c. 491, §179 (AMD).]

B. Teachers eligible for membership in the State Employee and Teacher Retirement Program; [PL 2007, c. 491, §180 (AMD).]

C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court and the Administrative Court; and [PL 2001, c. 12, §4 (AMD).]

D. Workers' compensation commissioners. [PL 1985, c. 801, §§5, 7 (NEW).]
[PL 2007, c. 491, §§179, 180 (AMD).]

2. Exception. The board may, by rule, provide standards for inclusion or exclusion of employees on the basis of nature and type of employment or conditions. No employee or group of employees may be excluded solely on the basis of the hazardous nature of employment.

[PL 1985, c. 801, §§5, 7 (NEW).]

3. Employment with 2 employers. Except as provided in section 18056, subsection 3, paragraph D and section 18656, subsection 3, paragraph D, a participant to whom coverage is available under subsection 1 or section 18655, subsection 1 may participate through employment with 2 or more employers.

[PL 2003, c. 485, §2 (NEW).]

4. Retirees who return to service. A retiree who is insured pursuant to section 18061, subsection 2 or 18661, subsection 2 and who returns to employment in a position in which the person would be eligible for coverage under subsection 1 is eligible for coverage under subsection 1 only if that person pays the cost of the coverage. This limitation applies regardless of whether similarly employed persons who are not retirees would be required to pay the cost. The board shall establish a method by which such persons may pay the costs of insurance coverage elected under this subsection, which may include basic and supplemental insurance.

[PL 2003, c. 485, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 42 (AMD). RR 1999, c. 2, §4 (COR). RR 1999, c. 2, §5 (AFF). PL 2001, c. 12, §4 (AMD). PL 2003, c. 485, §§1,2 (AMD). PL 2007, c. 491, §§179, 180 (AMD).

§18056. Coverage

1. Basic insurance. Life insurance and accidental death and dismemberment insurance, referred to as "basic insurance," must be available to all eligible participants.

A. Except as provided in paragraph A-1, the amount of life insurance to be paid upon death is equal to the participant's annual base compensation rounded up to the next \$1,000.

(1) A participant insured under a basic insurance policy is automatically covered for any change in the maximum due to a change in annual base compensation.

(2) The date of change in coverage under subparagraph (1) is the first day of the month of April following the effective date of the change in annual base compensation. [PL 2009, c. 213, Pt. LL, §2 (AMD).]

A-1. For a Legislator, the amount of life insurance to be paid upon death is equal to the participant's average annual legislative salary over the 2-year term of office rounded up to the next \$1,000. For the purposes of this section, "Legislator" includes the representatives of the Penobscot Nation and the Passamaquoddy Tribe at the Legislature. [PL 2009, c. 213, Pt. LL, §2 (NEW).]

B. The accidental death and dismemberment insurance must provide payments as follows.

(1) Losses and amounts payable are determined according to the following table.

LOSS	AMOUNT PAYABLE
Loss of life by Accident	An additional amount equal to that provided under this subsection
Loss of one hand or foot or sight of one eye	One-half the amount provided under this subsection
Loss of 2 or more limbs or loss of both eyes or loss of one limb and loss of sight of one eye	The amount provided under this subsection

(2) For any one accident the aggregate amount of group accidental death and dismemberment insurance that may be paid may not exceed the amount provided under this subsection. [PL 2009, c. 213, Pt. LL, §2 (AMD).]

[PL 2009, c. 213, Pt. LL, §2 (AMD).]

2. Supplemental insurance. Additional insurance coverage of equal amounts to those described in subsection 1, to be known as "supplemental insurance," shall be available to each participant purchasing insurance under subsection 1.

[PL 1985, c. 801, §§5, 7 (NEW).]

3. Dependent insurance. Each participant may elect to insure the life of a dependent not insured in the group covered under subsections 1 and 2.

A. A participant may elect either Plan A or Plan B, but not both.

	Plan A	Plan B
Spouse	\$5,000	\$10,000
Full-time unmarried students to age 22	\$5,000	\$5,000

Children, 6 months to age 19 \$5,000 \$5,000

Children, 0 to 6 months \$1,000 \$2,500

[PL 1985, c. 801, §§5, 7 (NEW).]

B. Insurance purchased under this subsection is subject to the limitations of Title 24-A, section 2611-A. [PL 1985, c. 801, §§5, 7 (NEW).]

C. The number of dependents may not affect the premium rate for insurance purchased under this subsection. [PL 1993, c. 387, Pt. A, §15 (AMD).]

D. Any participant who is a participant through employment with 2 or more employers may not insure that participant's dependents more than once. [PL 1991, c. 480, §4 (NEW).]

[PL 1993, c. 387, Pt. A, §15 (AFF).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1989, c. 710, §12 (AMD). PL 1991, c. 480, §§3,4 (AMD). PL 1993, c. 387, §A15 (AMD). PL 1993, c. 387, Pt. A, §15 (AMD). PL 2009, c. 213, Pt. LL, §2 (AMD).

§18057. Payments on death

Any amount of group life insurance and group accidental death insurance in force on any employee at the date of the employee's death must be paid, upon the establishment of a valid claim, in the following order of precedence. [PL 2009, c. 515, §1 (AMD); PL 2009, c. 515, §3 (AFF).]

1. Designated beneficiary. First, to the beneficiary or beneficiaries whom the employee designated in writing, if the written designation was received in the retirement system office or postmarked before the employee's death.

[PL 1991, c. 480, §5 (AMD).]

2. Widow or widower. Second, if no beneficiary qualifies under subsection 1, to the widow or widower of the employee.

[PL 1985, c. 801, §§ 5, 7 (NEW).]

2-A. Executor or personal representative. Third, if no one qualifies under subsection 1 or 2, to the employee's duly appointed executor or personal representative for distribution according to the provisions of a lawfully executed will. This subsection is applicable only if the retirement system is notified of the appointment of the executor or personal representative within 6 months of the date of death of the employee.

[PL 2009, c. 515, §1 (NEW); PL 2009, c. 515, §3 (AFF).]

3. Children. Fourth, if no one qualifies under subsection 1, 2 or 2-A, to the child or children of the employee and descendants of deceased children by representation.

[PL 2009, c. 515, §1 (AMD); PL 2009, c. 515, §3 (AFF).]

4. Parents. Fifth, if no one qualifies under subsection 1, 2, 2-A or 3, to the surviving parent or parents of the employee.

[PL 2009, c. 515, §1 (AMD); PL 2009, c. 515, §3 (AFF).]

5. Executor or conservator.

[PL 2009, c. 515, §1 (RP); PL 2009, c. 515, §3 (AFF).]

6. Next of kin. Sixth, if no one qualifies under subsection 1, 2, 2-A, 3 or 4, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of the employee's death.

[PL 2009, c. 515, §1 (AMD); PL 2009, c. 515, §3 (AFF).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 480, §5 (AMD). PL 2009, c. 515, §1 (AMD). PL 2009, c. 515, §3 (AFF).

§18058. Insurance; automatic application

1. Employees insured. Each employee shall complete an application for insurance coverage within 31 days of becoming eligible. Each employee who completes an application and is found eligible for basic insurance under this subchapter is insured for the amount of basic coverage applicable under this subchapter, beginning on the first day of the month following one month of employment after the employee becomes eligible.

A. The employee shall indicate the types of coverage elected. [PL 1991, c. 480, §6 (NEW).]

B. If the employee elects coverage within 31 days of the employee's first becoming eligible and elects coverage in addition to basic, that additional coverage becomes effective on the first day of the month following one month of employment after the employee becomes eligible. [PL 2011, c. 449, §10 (AMD).]

C. If the employee does not elect coverage within 31 days of the employee's first becoming eligible, the employee may subsequently apply for insurance coverage but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter. [PL 2011, c. 449, §10 (AMD).]

D. The employee may designate in writing the name and address of a 3rd party to whom notice must be provided as required in subsection 6. [PL 2015, c. 61, §1 (NEW).]

[PL 2015, c. 61, §1 (AMD).]

2. Employees not wanting to be insured. Any employee not wanting to be insured under this subchapter, at the time the employee first becomes eligible, shall, on the application form, give written notice to the employee's employing officer and to the retirement system that the employee does not want to be insured.

A. If after being insured, the employee wishes to cancel or reduce coverage, written notice must be given by the employee to the employee's employing officer and to the retirement system. [PL 1991, c. 480, §6 (AMD).]

B. The employee's insurance coverage must cease or be reduced at the end of the month in which the notice is received by the employing office. [PL 1991, c. 480, §6 (AMD).]

C. Any employee who does not want to be insured or who cancels insurance coverage may subsequently apply for insurance, but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter. [PL 1991, c. 480, §6 (AMD).]

D. [PL 2011, c. 449, §11 (RP).]

[PL 2011, c. 449, §11 (AMD).]

3. Dependent coverage. An employee may apply for coverage for a dependent in the application provided in subsection 1. If an employee has no dependents at the time the application provided in subsection 1 is completed and if application is made for coverage within 31 days of acquiring a dependent, coverage becomes effective the first day of the month following the month in which the application is received by the employing office. An employee who does not apply for dependent coverage within 31 days may subsequently apply for dependent coverage but must produce evidence of insurability at the employee's own expense. Coverage for subsequently acquired dependents is effective immediately.

[PL 1991, c. 480, §6 (NEW).]

4. Evidence of insurability. When the insurance underwriter approves an application for coverage or increase in coverage with which evidence of insurability has been filed as provided under subsection 1, paragraph C or subsection 2, paragraph C, the coverage or increased coverage becomes effective as of the first day of the first month following completion of one month of employment after the date of approval.

[PL 1991, c. 480, §6 (NEW).]

5. Employee on leave of absence. Insurance coverage for an employee on an authorized leave of absence is governed as follows.

A. An employee who, during a period of an unpaid leave of absence, continues to pay premiums due for the period of the leave continues to be covered. Coverage for an employee who, during the period of the leave, does not pay the premiums due ceases at the end of the period covered by the last premium paid. [PL 2011, c. 449, §12 (NEW).]

B. Notwithstanding paragraph A, an employee who, during a period of unpaid military leave of absence, does not continue coverage while on unpaid military leave must be reinstated to the levels of coverage in effect immediately prior to the unpaid military leave. A request for reinstatement by the employee must be made within 31 days of the employee's return to work following unpaid military leave. An employee who wants to be reinstated and who does not apply for reinstatement within 31 days of the employee's return to work from unpaid military leave must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter. [PL 2011, c. 449, §12 (NEW).]

[PL 2011, c. 449, §12 (NEW).]

6. Notice to employee and 3rd party prior to lapse or termination. Coverage for an employee may not be terminated for nonpayment of premium unless, at least 14 days prior to the lapse or termination of coverage, the board has mailed a notice of cancellation to the employee and any 3rd party designated by the employee by name and address in writing pursuant to subsection 1, paragraph D.

[PL 2015, c. 61, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 480, §6 (AMD). PL 1993, c. 386, §3 (AMD). PL 2007, c. 17, §1 (AMD). PL 2007, c. 17, §3 (AFF). PL 2009, c. 236, §§1, 2 (AMD). PL 2009, c. 474, §§ 24, 25 (AMD). PL 2011, c. 449, §§10-12 (AMD). PL 2015, c. 61, §§1, 2 (AMD).

§18059. Payment of premiums

Payment of premiums for group life insurance shall be on the basis determined by the board to be actuarially sufficient to pay anticipated claims. [PL 1985, c. 801, §§ 5, 7 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW).

§18060. Review of insurance program

(REPEALED)

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 2017, c. 88, §29 (RP).

§18061. Termination of coverage

1. Separation from service. The insurance on any employee shall terminate upon his separation from service, except as extended by:

A. Provisions contained in the policy for waiver of premiums upon total and permanent disability; and [PL 1985, c. 801, §§ 5, 7 (NEW).]

B. Provisions for temporary extension of coverage and conversion to an individual policy of life insurance. [PL 1985, c. 801, §§ 5, 7 (NEW).]
[PL 1985, c. 801, §§ 5, 7 (NEW).]

2. Retirement. If, on the date the insurance would otherwise terminate, the employee retires, in accordance with Title 3, chapter 29, Title 4, chapter 27 or 29 or this Part, the employee's basic life insurance only must be continued without cost to the employee and in the amounts provided in this subsection.

A. On retirement for reasons other than disability, an amount of basic life insurance equal to the employee's average final compensation must be continued in force at no cost to the participant, if the employee has participated in the group life insurance program for a minimum of 10 years.

(1) Except as provided in paragraph B, the initial amount of basic life insurance that continued into retirement must be reduced at the rate of 15% per year to a minimum of 40% of the initial amount of basic life insurance that continued into retirement or \$2,500, whichever is greater.

(2) In determining benefits under this subchapter, the reductions become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached. [PL 1993, c. 386, §4 (AMD).]

B. The reduction set out in paragraph A, subparagraph (1) does not apply to any Justice of the Supreme Judicial Court or Superior Court, to any Judge of the District Court or Administrative Court, nor to any retired justice or judge who was insured and who was living on September 14, 1979.

(1) The initial amount of basic life insurance that continued into retirement for any justice or judge must be continued in force at no cost to the justice or judge until the justice or judge reaches 70 years of age.

(2) When a justice or judge reaches 70 years of age, the amount of insurance in force must be reduced to 25% of the initial amount of basic life insurance that continued into retirement. This reduction becomes effective at 12:01 a.m. of the day following the date on which the justice or judge reaches 70 years of age. [PL 2001, c. 12, §5 (AMD).]

C. On retirement for disability, the amount of basic insurance in force at the time of retirement must be continued in force until normal retirement age, after which the amount must be reduced, as provided in paragraphs A and B, at no cost to the recipient. The 10-year participation requirement does not apply to recipients of disability retirement benefits. [PL 1991, c. 480, §7 (AMD).]

D. The premiums for the coverage provided by this subsection must be paid from reserves established for that purpose. [PL 1991, c. 480, §7 (NEW).]
[PL 2001, c. 12, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §21 (AMD). PL 1989, c. 710, §13 (AMD). PL 1991, c. 480, §7 (AMD). PL 1993, c. 386, §4 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §5 (AMD).

SUBCHAPTER 7

LONG-TERM DISABILITY INSURANCE

§18101. Long-term disability insurance coverage authorized

The board may offer long-term disability insurance coverage to members through their employer and may contract with one or more insurance companies to provide this coverage. [PL 2017, c. 378, §1 (NEW).]

1. Premiums. All premiums and any other amounts due to an insurance company or other 3rd party in connection with coverage under this subchapter must be borne by the covered person, the covered person's employer or both the covered person and the covered person's employer. [PL 2017, c. 378, §1 (NEW).]

2. Rules. The board may adopt rules to implement this subchapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A. [PL 2017, c. 378, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 378, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.