

Sponsor: Rep Theriault

Drafter: JO

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**Proposed Committee Amendment to 1797, An Act to Amend the Laws Governing the
Maine Length of Service Award Program**

From Jay Bradshaw, Maine Ambulance Assoc., and J. Sam Hurley, Director, Maine EMS

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

Sec. 1. 5 MRSA §3372, subsection 1 is amended to read:

§3372. Maine Length of Service Award Program

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

A. "Accrued service award" means the total value, as of a given date, of a participant's program account.

A-1. "Ambulance service" means a service licensed by the Emergency Medical Services' Board pursuant to Title 32, section 88.

B. "Board" means the Maine Length of Service Award Program Board of Trustees.

C. "Bona fide volunteer" has the same meaning as in the United States Internal Revenue Code, Section 457(e)(11).

C-1. "Department" means a fire department, an ambulance service, or a nontransporting emergency medical service.

D. "Eligible volunteer" means a bona fide volunteer performing qualified services in a ~~municipal~~ fire department, an ambulance service, or a nontransporting emergency medical service if that bona fide volunteer is:

(1) A firefighter who is an active part-time or on-call member of a ~~municipal~~ fire department or a volunteer firefighter; or

(2) An emergency medical services person or ambulance operator who provides on-call, part-time or volunteer emergency medical ~~treatment~~ response under the direction of the chief of a ~~municipal~~ fire department, for an ambulance service, or for a nontransporting emergency medical service and who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88.

D-1. "Emergency medical services ambulance operator" has the same meaning as in Title 32, section 83, subsection 12-A.

D-2. “Emergency Medical Services’ Board” means the Emergency Medical Services’ Board established pursuant to Title 5, section 12004-A, subsection 15.

E. "Emergency medical services person" means any person who routinely provides emergency medical treatment to the sick or injured.

F. "Emergency medical treatment" has the same meaning as in Title 32, section 83, subsection 13.

G. "~~Municipal fire~~ Fire department" has the same meaning as in Title 30-A, section 3151, subsection 1.

G-1. “Nontransporting emergency medical service” means a service licensed by the Emergency Medical Services’ Board pursuant to Title 32, section 88.

H. "Participant" means a person who participates in the program.

I. "Program" means the Maine Length of Service Award Program established in subsection 2.

J. "Program account" means a separate account maintained for each participant reflecting applicable contributions, applicable forfeitures, investment income or loss as well as administrative and investment expenses allocated to each participant and distributions paid from the account.

K. "Program trust fund" means a trust fund established by the board into which all contributions to the program are deposited.

L. "Qualified services" has the same meaning as in the United States Internal Revenue Code, Section 457(e)(11).

M. "Volunteer firefighter" has the same meaning as in Title 30-A, section 3151, subsection 4.

Sec. 2. 5 MRSA §3372, subsection 3, paragraph A is amended to read:

3. Board of trustees. The following provisions govern the Maine Length of Service Award Program Board of Trustees, which is established to oversee the program.

A. The board, as established in section 12004-G, subsection 30-E, is composed of 7 trustees, as follows:

(1) Four persons who are eligible volunteers, appointed by the Governor. Three of the persons appointed under this subparagraph must be selected from a list of 6 nominees submitted by a statewide federation of firefighters;

(2) A chief of a ~~municipal fire~~ department, appointed by the Governor and selected from a list of 3 nominees submitted by a statewide association of fire chiefs;

(3) A person who is qualified through training or experience in the field of investments, accounting, banking or insurance or who is an actuary, appointed by the Governor; ~~and~~

(4) A person designated by a statewide municipal association; and

(5) Two persons who are licensed as emergency medical services persons under Title 32, section 82, selected from a list of 3 nominees submitted by the Maine Emergency Medical Services’ Board and appointed by the Governor.

Sec. 3. 5 MRSA §3372, subsection 7 is amended to read:

7. Waiver of participation. An eligible volunteer may waive the right to participate in the program by filing with the board a written, signed and irrevocable waiver of participation that is signed by the fire chief, as described in Title 30-A, section 3153, of a ~~municipal~~ fire department or by the service chief of an ambulance service or nontransporting emergency medical service of which the eligible volunteer is a member.

Sec. 4. 5 MRSA §3372, subsection 8 is amended to read:

8. Service credit. Service credit may be allowed in the program only for volunteer emergency service rendered as an eligible volunteer. The requirements to be met by an eligible volunteer to earn one year of service credit must be set forth in rules adopted by the board pursuant to subsection 21 and may be amended from time to time at the discretion of the board.

Sec. 5. 5 MRSA §3372, subsection 9 is amended to read:

9. Procedure for reporting service credit. A ~~municipal~~ fire department, an ambulance service, or a nontransporting emergency medical service shall submit a list of all persons who were eligible volunteers during a calendar year to the board for review and approval by May 1st following the end of that calendar year. The list must indicate which eligible volunteers earned service credit during the calendar year and must be prepared, certified under oath by the ~~fire~~ chief of the ~~municipal fire~~ department, posted in the ~~fire~~ department for at least 30 days and then submitted to and received by the board by May 1st. During the 30-day posting period, an eligible volunteer must be given the opportunity to dispute the service credit shown for the eligible volunteer in accordance with law. The ~~fire~~ chief shall indicate in writing to the board that the list was posted for at least 30 days and that all disputes regarding the service credit shown on the list as having been earned during the year have been resolved. The board, at its sole discretion, may audit a list prepared and certified under oath by a ~~municipal fire~~ department under this subsection. If the list is not received by the board by May 1st, a contribution may not be credited to the program account of any eligible volunteer whose name was or should have been reported on the list as having earned one year of service credit during the calendar year, except as provided in subsection 12.

Sec. 6. 5 MRSA §3372, subsection 10 is amended to read:

10. Contributions to the program. For each calendar year beginning after December 31, 2015, the program trust fund must accept contributions, if any, from the following:

- A. The State;
- B. A municipality;
- C. A ~~municipal~~ fire department or a fire company or volunteer organization associated with a ~~municipal~~ fire department;
- C-1. An ambulance or nontransporting emergency medical service licensed by the Maine Emergency Medical Services' Board.

D. The Federal Government; and

E. A participant, after the United States Internal Revenue Code is amended and any required rules and regulations are issued by the United States Internal Revenue Service to allow defined contribution length of service award programs to be treated as deferred compensation plans under the United States Internal Revenue Code, Section 457. Until the United States Internal Revenue Code is so amended, the board shall contract with a firm to offer individual retirement accounts to participants.

The annual contributions, if any, for a given calendar year must be deposited into the program trust fund before the following July 1st.

The portion of the annual contributions credited to a program account of a participant who has attained the entitlement age as described in subsection 14 and has been paid the participant's accrued service award must be determined in the same manner as the portion of the annual contributions credited to a program account of a participant who has not attained the entitlement age.

Except for the limit on the amount of the annual contributions credited to a participant's program account set forth in the United States Internal Revenue Code, Section 457, there is no other limit or restriction on the amount credited to a participant's program account for any calendar year.

Sec. 7. 5 MRSA §3372, subsection 11, paragraph C is amended to read:

11. Subaccounts. A participant's program account consists of the following subaccounts:

C. A ~~municipal fire~~ department subaccount, which is an account of a participant derived from contributions from a specific ~~municipal fire~~ department or a fire company or volunteer organization associated with a ~~municipal fire~~ department to the program. A participant's ~~municipal fire~~ department subaccount must reflect the respective contributions from that ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department along with forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant's ~~municipal fire~~ department subaccount is subject to the vesting schedule set forth in subsection 12.

(1) For a given calendar year, the total contribution from a specific ~~municipal fire~~ department or a fire company or volunteer organization associated with a ~~municipal fire~~ department, if any, must be allocated equally to the ~~municipal fire~~ department subaccounts of the participants who are eligible volunteers of that ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department and who earned one year of service credit during that calendar year.

(2) Forfeitures from a participant's ~~municipal fire~~ department subaccount must be added to and allocated as ~~municipal fire~~ department contributions as designated by the ~~municipal fire~~ department or fire company or volunteer organization associated with a ~~municipal fire~~ department in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13;

SUMMARY

This amendment replaces the bill. The amendment clarifies that the Maine Emergency Medical Services' Board nominates emergency medical services persons to the Governor for service on the Maine Length of Service Award Program Board of Trustees. The amendment removes from the bill provisions regarding the calculation of service credits, leaving calculation to rulemaking. The amendment makes eligible for the Maine Length of Service Award Program qualified persons who volunteer with non-municipal fire departments, ambulance services and non-transporting emergency medical services.