

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
S.P. 78 - L.D. 190

**An Act To Amend the Laws Governing Retirement Benefit Reductions for  
Corrections Officers Currently Included in the 1998 Special Plan**

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

**Sec. 1. Computation of service retirement benefits for certain employees of the Department of Corrections.** Notwithstanding the Maine Revised Statutes, Title 5, section 17851-A, subsection 4 or any other provision of law to the contrary, the service retirement benefit of a qualified member must be computed on the basis of all of the qualified member's creditable service in the capacity specified in Title 5, section 17851-A, subsection 1, paragraph I, regardless of when that creditable service was earned, except that for a member qualifying for a retirement benefit under Title 5, section 17851-A, subsection 2, paragraph B:

1. If the member had 10 years of creditable service on July 1, 1993, the benefit must be reduced as provided in Title 5, 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.

**Sec. 2. Qualified member; definition.** As used in this Act, "qualified member" means a member on the effective date of this Act to whom the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph I applies and who:

1. Was employed by the Department of Corrections prior to January 1, 2000;
2. Is employed in a correctional facility as defined in Title 34-A, section 1001, subsection 6; and
3. Receives a direct care stipend pursuant to a collective bargaining agreement in effect on the effective date of this Act.

As used in this Act, the terms "creditable service," "member" and "retirement benefit" have the same meanings as in Title 5, section 17001.

**Sec. 3. Transfer of settlement funds; fiscal year 2021-22.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$280,000 from the Administration - Attorney General, Other Special Revenue Funds account within the Department of the Attorney General from funds received from settlement agreements to the unappropriated surplus of the General Fund no later than October 1, 2021.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

**Retirement System - Retirement Allowance Fund 0085**

Initiative: Provides one-time funds for the cost of the unfunded actuarial liability created by allowing service retirement benefits to be calculated under the 1998 Special Plan for certain workers in the Department of Corrections who receive a direct care stipend and who are currently under the 1998 Special Plan but had previously earned retirement benefits under the regular state employee and teacher plan.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$280,000	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$280,000</u>	<u>\$0</u>