



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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**Legislative Document**

**No. 1808**

S.P. 635

In Senate, December 17, 2021

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**An Act To Address Employee Retention at the Maine State Police  
Crime Laboratory and the Computer Crimes Unit in the  
Department of Public Safety**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink that reads "DAREK M. GRANT".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Representative COLLINGS of Portland and

Senators: HICKMAN of Kennebec, POULIOT of Kennebec, Representative: MORRIS of Turner.

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation must take effect as soon as possible to help retain employees affected by Public Law 2021, chapter 474, which specifies that employees' retirement benefits prior to switching to the 1998 Special Plan are calculated under the old plan and not the 1998 Special Plan; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**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 Public Safety, Maine State Police Crime Laboratory and computer crimes unit.** 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 Q, 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 Q applies and who was employed by the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit prior to October 1, 2021.

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

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This bill requires that service retirement benefits for employees of the Department of Public Safety, Maine State Police Crime Laboratory and computer crimes unit included in the 1998 Special Plan be computed on the same basis as are benefits for other members under the plan; creditable service is included regardless of when that service was earned.