

2021 Legislative Update

LEGISLATION ENACTED DURING THE 130th FIRST REGULAR and SPECIAL SESSIONS

An Act to Amend the Retirement Laws Pertaining to Certain Educational Technicians

PL 2021, c. 6 [L.D. 275]
Effective Date: March 17, 2021

This law clarifies that Educational Technician I's are not eligible for membership in the State Employee and Teacher Retirement Program.

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023

PL 2021, c. 29 [L.D. 715]
Effective Date: June 29, 2021

This law is the State budget for fiscal years 2022 and 2023. It includes funding for the State Employee/Teacher, Legislative and Judicial Retirement Programs and the Group Life Insurance (GLI) Program, and baseline funding for retired teacher GLI and the pay-as-you-go benefit plans for retired Governors and certain retired Judges. The remaining required funding is appropriated in the additional budget passed as PL 2021, c. 398 (see below).

An Act to Allow Certain Employees to Return to Participation in the Maine Public Employees Retirement System

PL 2021, c. 90 [L.D. 711]
Effective Date: June 9, 2021

This law allows participating local district (PLD) employees who declined or terminated MainePERS membership to subsequently elect to join or rejoin the System. This provision applies only to employees of PLDs that provide a qualified alternative retirement plan with an employee contribution rate that is not lower than the MainePERS plan in which the employees would have otherwise participated.

This provision does not apply to PLD Consolidated Plan members until such time that Chapter 803, the rule that governs that plan, is amended.

An Act to Protect Teachers from a Decrease in Retirement Benefits Arising from the COVID-19 Pandemic

PL 2021, c. 225 [L.D. 509]
Effective Date: June 16, 2021

This bill allows certain teachers who experienced a reduction in earnable compensation or service credit from the elimination of extracurricular or cocurricular activities during COVID-19 to elect to pay to include those wages and/or service credit. The enacted law sets out which teachers qualify to make the election and the manner in which costs are to be calculated.

An Act to Require the State to Divest Itself of Assets Invested in the Fossil Fuel Industry

PL 2021, c. 231 [L.D. 99]
Effective Date: October 18, 2021

This law requires the Board of Trustees to divest the System of any assets invested in the fossil fuel industry and to limit any future investment in that industry. The law includes fiduciary duty exception language that requires any decisions regarding divestment or investment in the fossil fuel industry to be made in accordance with sound investment criteria and consistent with the Board's fiduciary obligations, as set out in the Maine Constitution.

An Act to Promote Socially Responsible Investing by the Maine Public Employees Retirement System by Prohibiting Investment in For-Profit Prisons

PL 2021, c. 234 [L.D. 319]
Effective Date: October 18, 2021

This law requires the Board of Trustees to divest the System of any assets invested in the for-profit prison industry and to limit any future investment in that industry. The law includes fiduciary duty exception language that requires any decisions regarding divestment or investment in the for-profit prison industry to be made in accordance with sound investment criteria and consistent with the Board's fiduciary obligations, as set out in the Maine Constitution.

An Act to Improve the Disability Retirement Program of the Maine Public Employees Retirement System

PL 2021, c. 277 [L.D. 1644]
Effective Date: October 18, 2021

This law makes several changes to the disability retirement program administered by MainePERS.

An Act to Allow a 5-year Open Enrollment in the Participating Local District Retirement Program for Certain Law Enforcement Officers, Firefighters and Other Municipal Employees

PL 2021, c. 286 [L.D. 1103]
Effective Date: October 18, 2021

This law permits participating local district employees who elect not to join MainePERS when first eligible to elect to join the System up to and including that employee's 5th year employment anniversary. This election must be made during an annual open enrollment period from September 1st to November 1st, beginning in 2022. Member contributions made by employees who join under this provision must be made with after-tax dollars. This law also permits employees who have been employed for more than 5 years when this law is enacted to make a one-time election to join by November 1, 2021.

This provision does not to apply to PLD Consolidated Plan members until such time that Chapter 803, the rule that governs that plan, is amended.

An Act Regarding Remote Participation in Public Proceedings

PL 2021, c. 290 [L.D. 32]

Effective Date: June 21, 2021

This law allows remote participation in public proceedings, such as the Board of Trustees meeting, to continue if the public entity has adopted a written policy regarding that remote participation. The enacted law sets out the provisions that must be included in the adopted policy.

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

PL 2021, c. 398 [L.D. 221]

Effective Date: July 1, 2021

As noted above under c. 29 above, this additional State budget includes the remaining pension funding required for fiscal years 2022 and 2023 not included in that budget. This budget also adds additional emergency communications positions in the Department of Public Safety to the 1998 Special Plan and adds additional state fire marshal positions to the 1998 Special Plan and to the newly established Fire Marshal plan. Employees in positions newly added to the 1998 Special Plan must make an election either to move to the special plan or to remain in the regular plan.

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

PL 2021, c. 401 [L.D. 190]

Effective Date: October 18, 2021

This law provides retroactive coverage in the 1998 Special Plan for certain Department of Corrections employees.

An Act To Expand the 1998 Special Retirement Plan to Include Civilian Employees who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit

PL 2021, c. 474 [L.D. 1101]

Effective Date: October 18, 2021

This law expands the 1998 Special Plan to include certain employees of the Maine State Police Crime Laboratory and Computer Crimes Unit effective October 1, 2021, on a prospective basis. Individuals employed on and before that date must elect whether to participate in the special plan or to remain in the regular plan.

Resolve, Directing the Maine Public Employees Retirement System to Convene a Working Group to Investigate Public Pension Options

Resolve, c. 66 [L.D. 1105]
Effective Date: October 18, 2021

This Resolve directs MainePERS to again convene a working group to develop new pension plan designs that include Social Security. This work will build on prior work completed by the System and prior working groups. MainePERS must submit a report of proposed plans and implementation timelines to the Legislature by December 1, 2021.

Resolve, To Develop a Plan for Teachers to Collect Social Security

Resolve, c. 72 [L.D. 620]
Effective Date: October 18, 2021

This Resolve directs MainePERS to examine options for teachers to contribute to and collect benefits from Social Security in addition to MainePERS benefits. MainePERS must submit a report of findings and recommendations to the Legislature by December 1, 2021.

Resolve, Directing the Maine Public Employees Retirement System to Study and Report on How Statewide Retirement Systems Affected by the Windfall Elimination Provision and Government Pension Offset Can Cooperate on Solutions

Resolve, c. 84 [L.D. 341]
Effective Date: October 18, 2021

This Resolve directs MainePERS to study how state retirement systems impacted by the Social Security government pension offset and the windfall elimination provision currently cooperate and might further cooperate to address those offsets. MainePERS must submit a report of its findings and recommendations to the Legislature by January 1, 2022.