

2023 Legislative Update

LEGISLATION ENACTED DURING THE 131ST FIRST REGULAR AND SPECIAL SESSIONS

An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2023

PL 2023, c. 3 [L.D. 206]
Effective Date: February 21, 2023

This law is the State Supplemental budget for fiscal year 2023. Part J provides for a one-time 1% additional cost-of-living adjustment (COLA) payment to eligible retirees of the State-sponsored plan. This payment does not increase the amount on which future COLA payments are paid.

An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

PL 2023, c. 17 [L.D. 424]
Effective Date: March 31, 2023

This law is a State budget for fiscal years 2023, 2024 and 2025. It includes funding for the State Employee/Teacher, Legislative and Judicial Retirement Programs, Group Life Insurance (GLI) Program, and baseline funding for the pay-as-you-go benefit plan for retired Governors. The remaining funding for the Governors' Plan was provided in PL 2023, c. 208.

An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests

PL 2023, c. 155 [L.D. 1208]
Effective Date: October 25, 2023

This law makes three changes to the Freedom of Access Act, as follows: 1) It clarifies that the entity must specify the estimated time frame within which a response will be provided; 2) It permits requiring the requester of information to be charged for a storage device used to provide the requested information, if the device is given to the requester; and 3) it changes the level of cost for which a requester must be notified before a response is compiled from \$30 to \$50.

**An Act to Implement the Recommendations of the Right to Know Advisory Committee
Concerning Remote Participation**

PL 2023, c. 158 [L.D. 1322]
Effective Date: October 25, 2023

This law provides further guidance on how the public must be permitted to participate in a public proceeding using remote methods.

An Act to Advance the Maine Retirement Savings Program

PL 2023, c. 167 [L.D. 1082]
Effective Date: October 25, 2023

This law makes various changes to the Maine Retirement Savings Program. Section 15 is the only section that pertains to MainePERS. This section permits employees of the Maine Retirement Savings Program to participate in the defined contribution, deferred compensation or tax sheltered annuity plans (i.e., MaineSTART) offered through MainePERS.

**An Act to Strengthen Freedom of Access Protections by Allowing Remote
Meetings to Be Recorded**

PL 2023, c. 185 [L.D. 1425]
Effective Date: October 25, 2023

This law requires public bodies that permit the public to attend public proceedings remotely to also allow the public to record the proceedings remotely as long as certain conditions are met.

**An Act to Allow Members of the Maine Public Employees Retirement System With Service in
Multiple Plans to Defer Retirement Service Benefits Until Normal Retirement Age to Avoid a
Reduction in Benefits**

PL 2023, c. 208 [L.D. 106}
Effective Date: October 25, 2023

This law permits a member who meets eligibility requirements to retire from plans with different normal retirement ages to elect to defer the receipt of benefits that would otherwise be subject to an early retirement reduction until reaching the normal retirement age for that portion of benefits.

An Act to Allow Game Wardens to Transfer Retirement Service, Allow Certain Employees of Participating Local Districts to Purchase Service Credit and Allow Transfer of Membership from the State Employee Retirement Plan to Another Plan

PL 2023, c. 246 [L.D. 313]
Effective Date: October 25, 2023

This law permits an employee or employer to elect to pay the cost to transfer service from one special plan to another special plan. The cost to transfer this service is calculated on an actuarial basis. The law also addresses a service purchase issue for specific PLD members.

An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

PL 2023, c. 405 [L.D. 2010]
Effective Date: July 10, 2023

This law corrects various inconsistencies, conflicts and errors in Maine Laws. Sections A-15 through A-21 amend MainePERS laws. These are technical changes and corrections, and do not impact the application of the laws.

An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

PL 2023, c. 412 [L.D. 258]
Effective Date: October 25, 2023

This law is a State budget for fiscal years 2023, 2024, and 2025. It includes several provisions relevant to MainePERS members or retirees.

- **Part DD** requires a recalculation of retirement benefits based on a decreased early retirement reduction for certain state employee and teacher retirees, effective October 1, 2023.
- **Part ZZ** increases the pension deduction for tax years beginning on or after January 1, 2024.
- **Part IIII** moves certain employees in the Department of Public Safety, Computer Crime Laboratory or computer crimes unit from the 1998 Special Plan to the 25 year, regardless of age, special plan effective August 1, 2024.
- **Part HHHH** provides a one-time, non-cumulative 3% cost-of-living adjustment for eligible retirees from the State-sponsored plans. This additional payment applies to retirees eligible for the September 2022 COLA.

**An Act to Amend the Laws Governing Retirement Benefit Reductions for Certain Employees
Currently Included in the 1998 Special Plan**

PL 2023, c. 436 [L.D. 483]
Effective Date: July 1, 2024

This law provides retroactive special plan coverage for certain employees of the Department of Corrections, effective July 1, 2024. The law includes specific criteria that must be met in order for a member to be covered by the change.

**Resolve, Directing the Maine Public Employees Retirement System to Study the Creation of
an Interstate Compact Concerning the Windfall Elimination Provision and Government
Pension Offset**

Resolve, c. 23 [L.D. 1230]
Effective Date: October 25, 2023

This law directs the System to study the creation and adoption of an interstate compact with other states affected by the windfall elimination provision and government pension offset. MainePERS must submit a report of its findings and recommendations to the Legislature by December 6, 2023.