

§17656. Employment changes affecting membership

1. Reemployment with new employer. Membership of a member who is reemployed with a new employer, or who transfers from one state employee plan to another state employee plan, is governed as follows:

A. Any member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program whose service is terminated as a state employee, teacher or participating local district employee and who becomes employed as a state employee, teacher or participating local district employee with a new employer or who transfers from one state employee plan to another state employee plan shall, if the member has not previously withdrawn the member's accumulated contributions:

- (1) Have the membership transferred to the member's account with the new employer or new plan; and
- (2) Be entitled to all benefits that:
 - (a) Are based on creditable service and earnable compensation with the previous employer or previous plan and the provisions of this Part in effect with respect to the previous employer or previous plan at the date of termination of service by the member; and
 - (b) Do not require additional contributions by the new employer. [PL 2023, c. 246, §1 (AMD).]

B. The new employer or new plan may elect to include the creditable service and earnable compensation of the member with the previous employer with the creditable service and earnable compensation with the new employer. If that election is made, the new employer shall make, from time to time, whatever contributions are necessary to provide the benefits under the applicable retirement program for the member as have accrued to the member by reason of the member's previous employment and as may accrue to the member by reason of the member's new employment. [PL 2023, c. 246, §1 (AMD).]

C. If the new employer makes the election provided under paragraph B, or the member makes the election provided under paragraph D, all funds in the applicable retirement program contributed by the member's former employer or under the previous plan on account of the member's previous employment must be transferred to the account of the new employer or new plan and must be used to liquidate the liability incurred by reason of the previous employment. [PL 2023, c. 246, §1 (AMD).]

D. Notwithstanding paragraph A, a member of the Maine Public Employees Retirement System who is a game warden, a law enforcement officer as defined in Title 25, section 2801-A, subsection 5 or a state firefighter, whose previous membership was based upon employment as a municipal firefighter as defined in section 286-M, a game warden, a law enforcement officer or a state firefighter, or their employer, may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan, including a transfer from one state employee plan to a different state employee plan. For members moving from one state employee plan to another state employee plan, no separation of service or reemployment is necessary. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H. For purposes of this paragraph, "game warden" means a person appointed by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 10351, subsection 1. [PL 2023, c. 246, §1 (AMD).]

[PL 2023, c. 246, §1 (AMD).]

2. Reemployment of public safety communications dispatchers with Department of Public Safety. Notwithstanding subsection 1, a member of the State Employee and Teacher Retirement Program whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee if that member:

- A. Makes a one-time, irrevocable election no later than 30 days after commencing employment as a public safety communications dispatcher for the Department of Public Safety; and [PL 2005, c. 668, §1 (NEW).]
- B. Has not previously withdrawn all of the member's accumulated contributions. [PL 2005, c. 668, §1 (NEW).]

If a member makes the election provided in this subsection, the State shall make whatever contribution is necessary to provide the benefits under the State Employee and Teacher Retirement Program for the member as though the previous employment had been as a state employee, and all funds in the Participating Local District Retirement Program contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the State and must be used to liquidate the liability incurred by reason of the previous employment.

Upon notification by the Department of Public Safety to the retirement system that an employee has made an election under this subsection, the retirement system shall calculate and provide to the Department of Public Safety the amount of the employer contribution required under this subsection.

A member who makes the election provided in this subsection and for whom applicable additional employer contributions have been paid is entitled to include the creditable service and earnable compensation with the previous employer with the creditable service and earnable compensation with the State for the purposes of benefit qualification under section 17851 and computation of benefits under section 17852.

[PL 2007, c. 491, §97 (AMD).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1991, c. 580, §4 (AMD). PL 2005, c. 636, §B1 (AMD). PL 2005, c. 668, §1 (AMD). PL 2007, c. 491, §97 (AMD). PL 2007, c. 542, §§1, 2 (AMD). PL 2023, c. 246, §1 (AMD).

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