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## **An Act To Protect Benefits for State Retirees**

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

**Whereas,** current law requires that cost-of-living adjustments in retirement benefits for state employees must be made when there is a percentage change in the Consumer Price Index; and

**Whereas,** there has been a percentage change in the Consumer Price Index; and

**Whereas,** it is imperative that this legislation take effect immediately so that the benefits for state retirees are protected; 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**Sec. 1. 4 MRSA §1358, sub-§1, ¶A,** as repealed and replaced by PL 1985, c. 693, §11, is amended to read:

A. ~~The~~Except as provided in paragraph A-1, the board shall automatically adjust allowances, beginning in September 1985, and each September thereafter, by any percentage change in the Consumer Price Index from July 1st to June 30th, but only to a maximum annual increase or decrease of 4%. The board shall determine the cost of these adjustments and shall include them in its budget requests, if necessary.

**Sec. 2. 4 MRSA §1358, sub-§1, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

**Sec. 3. 5 MRSA §17806, sub-§1, ¶A,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~Whenever~~Except as provided in paragraph A-1, whenever there is a percentage change in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase or decrease in retirement benefits, beginning in September, up to a maximum annual increase or decrease of 4%.

**Sec. 4. 5 MRSA §17806, sub-§1, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

**Sec. 5. 5 MRSA §18407, sub-§4, ¶A,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~Whenever~~Except as provided in paragraph A-1, whenever there is a percentage change in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase or decrease in retirement benefits, beginning in September, up to a maximum annual increase or decrease of 4%.

**Sec. 6. 5 MRSA §18407, sub-§4, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

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

Effective June 17, 2009.