

2021-2022 REGULATORY AGENDA
Filing Deadline: July 8, 2021

AGENCY UMBRELLA-UNIT NUMBER: 94-411
AGENCY NAME: **Maine Public Employees Retirement System**

CONTACT INFORMATION FOR THE AGENCY: **Kathy J. Morin, Manager, Actuarial and Legislative Affairs**, P.O. Box 349, Augusta, ME 04332-0349, 207-512-3108, Kathy.Morin@mainepers.org.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:
None

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 101: Earnable Compensation and Calculation of Average Final Compensation

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17001(13)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 102: Qualification as a Full-time Student

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Beneficiaries of participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 103: Qualified Domestic Relations Orders

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Divorcing members/retirees and their spouses and dependent children who are participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 104: Limitations on Earnable Compensation for Purposes of Calculating Average Final Compensation of State Employee and Teacher Members

STATUTORY BASIS: 5 M.R.S. §§ 17001(4), 17001(13), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: State employee and teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 201: Reporting by Participating Local Districts and Public Schools

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: School administrative units and participating local districts in the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 202: Medical Board

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Disability applicants/benefit recipients in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 204: Waiver of Member Payment Requirement Where Caused by Employer Error or Omission

STATUTORY BASIS: 5 M.R.S. § 17103(6)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 301: Interest Calculations

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 302: Retirement Incentives

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 303: Actuarial Factors Tables

STATUTORY BASIS: 3 M.R.S. § 701(2), 4 M.R.S. § 1201(2), 5 M.R.S. §§ 17001(2), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 401: Membership and Creditable Service - State Employees and Participating District Employees

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: State employees and participating local district participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 404: Membership and Creditable Service - Public School Teachers

STATUTORY BASIS: 5 M.R.S. §§ 17001(42), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; amend title to explicitly include other public school employees eligible for membership in the teacher plan

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 406: Payment or Repayment of Contributions, Back Time, Refunds or Purchase of Service Credits

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17701(4), 17704, 17704-A, 17763, 18301(4), 18362

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 410: Retirees Returning to Employment after Retirement with the Same Employer

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17859

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 411: Eligible Rollover Distributions

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 412: Limitations on Compensation

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 413: Limitations on Contributions and Benefits

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 414: Required Minimum Distributions

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 415: Contributions, Benefits and Service Credit with Respect to Qualified Military Service

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 505: Request for Suspension of Retirement Benefits

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 507: Determination of Inability to Engage in Substantially Gainful Activity

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 509: Determination of Impossibility to Perform the Duties of the Employment Position

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 510: Reduction of Disability Retirement Benefits because of Lump-Sum Settlements of Benefits Payable under the Workers' Compensation or Similar Law or the United States Social Security Act

STATUTORY BASIS: 3 M.R.S. § 853; 4 M.R.S. § 1353(6); 5 M.R.S. §§ 17906(2); 17930(4); 18506(2); 18530(4); 1122(5-A), 1122(6)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants receiving disability benefits from the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 511: Standards for Actively Seeking Work

STATUTORY BASIS: 5 M.R.S. §§ 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 601: Group Life Insurance

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 18503, 18653

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the Group Life Insurance Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 602: Procedures for Contract Awards

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Persons seeking to contract with the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 702: Appeals of Decisions of the Executive Director

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Persons appealing decisions of the Executive Director of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 802: Participating Local Districts: Membership of Part-time, Seasonal or Temporary Employees

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 803: Participating Local District Consolidated Retirement Plan

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 804: Rebuttable Presumption for Death Benefits

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System and their surviving spouses and children.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 901: Adjustment to Retirement Benefits for Confidential State Employees

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal or replace if necessary

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Deferred Compensation/Defined Contribution Plans

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: New rule; to establish requirements and procedures for implementing defined contribution plans

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Reduction of Accidental Death Benefits because of Lump-sum Settlements of benefits payable under the Workers' Compensation Act or Similar Law

STATUTORY BASIS: 3 M.R.S. §856, 4 M.R.S. §1356, 5 M.R.S. §§ 18005(2), 18506(2)

PURPOSE: New rule; to provide basis for proration of lump-sum Workers' Compensation and similar payments

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Earnings Limitation under Article 3 and Article 3-A Disability Programs

STATUTORY BASIS: 3 M.R.S. § 853, 4 M.R.S. § 1353(5), 5 M.R.S. §§ 17103(4), 17906(1), 17930, 18506, 18530; PL 2001, chapter 443

PURPOSE: New rule; to establish interpretation/application of statutes; standards; procedures

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Compliance with Payroll and Reporting Requirements

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17105(5)(B)

PURPOSE: New rule; to establish a schedule of penalties and interest to ensure compliance with payroll reporting/payment, recordkeeping responsibilities, and related compliance procedures

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Payroll Reporting

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17601, 17701, 18301, 18303

PURPOSE: New rule; to establish requirements of the System's recordkeeping processes, some of which may change as processes are automated.

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Implementation of Guidelines for Medical Consultation on Disability Cases

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17106, 17902, 17925, 18502, 18525

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Death Benefits

STATUTORY BASIS: 5 M.R.S. §§ 17103((4), 17951-17953, 18001-18006, 18551-18557, 18601-18606

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Refunds of Accumulated Contributions

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17705-A, 17706-A, 18306-A, 18307-A

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Digital Signatures

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: New rule; to establish criteria for the use of digital signatures

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers in the programs of the Maine Public Employees Retirement System and vendors engaging in transactions with the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Application of "In Combination" Analysis to Determinations of Eligibility for Disability Retirement Benefits

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: New rule; to provide guidance on the determination of eligibility for disability retirement benefits when a member applies on the bases of multiple conditions

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Disability Retirement - Definition of Key Terms

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: New rule; to establish definitions of key terms used in the disability retirement program

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

NEW RULE: Auditing of Employer Records

STATUTORY BASIS: 5 M.R.S. §§ 17054-A, 17103(4), 17105(5)

PURPOSE: New rule; to establish guidelines for the auditing of employer records to ensure compliance with applicable laws

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

OTHER RULEMAKING ACTIONS: Automated Processing

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend current rules and adopt new rules as necessary to convert to increased use of automated processing to enhance timeliness and accuracy of the functions performed in the programs of the Maine Public Employees Retirement System.

SCHEDULE FOR ADOPTION: 2021-2022

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A



MEMORANDUM

Date: July 8, 2021

To: Don Wismer, APA Coordinator
Suzanne Gresser, Executive Director, Legislative Council

From: Sandra J. Matheson, Executive Director *S. Matheson*

Re: 2021-2022 Regulatory Agenda

Attached is the Retirement System's 2021-2022 Regulatory Agenda, as required by statute. Please call if you have any questions.

Attachment

cc: Michael J. Colleran, Chief Operating Officer and General Counsel
Kathy J. Morin, Manager, Actuarial and Legislative Affairs