

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1354

S.P. 422

In Senate, March 21, 2019

**An Act To Eliminate the Penalties for State and Teacher Retirees
Who Return to Employment**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DESCHAMBAULT of York.
Cosponsored by Representative WARREN of Hallowell and
Senators: CHENETTE of York, LIBBY of Androscoggin, VITELLI of Sagadahoc,
Representatives: DOORE of Augusta, INGWERSEN of Arundel.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §17859, sub-§1**, as amended by PL 2011, c. 420, Pt. L, §1, is
3 further amended to read:

4 **1. Restoration to service.** Any state employee or teacher who has reached normal
5 retirement age and who retires after September 1, 2011 may be restored to service ~~for up~~
6 ~~to 5 years.~~ The decision to hire a retired state employee or retired teacher under this
7 section is at the discretion of the appointing authority. The retired state employee or
8 retired teacher must have had a bona fide termination of employment in accordance with
9 state and federal laws and rules, may not return to employment after retirement with the
10 same employer for at least 30 calendar days after the termination of employment and may
11 not return to employment before the effective date of the person's retirement.

12 **Sec. 2. 5 MRSA §17859, sub-§1-A, ¶A**, as enacted by PL 2013, c. 486, Pt. A,
13 §1, is amended to read:

14 A. In one-year contracts, which may be nonconsecutive. ~~The maximum time that a~~
15 ~~classroom-based employee may be restored to service with an individual school~~
16 ~~administrative unit pursuant to this paragraph is 5 years;~~

17 **Sec. 3. 5 MRSA §17859, sub-§1-A, ¶¶B and C**, as enacted by PL 2013, c. 486,
18 Pt. A, §1, are repealed.

19 **Sec. 4. 5 MRSA §17859, sub-§2, ¶A**, as amended by PL 2013, c. 486, Pt. A, §2,
20 is further amended to read:

21 A. The compensation of the retired state employee or retired teacher who returns to
22 service ~~must be set at 75% of the compensation established for the position to be~~
23 ~~filled, at a step determined by the appointing authority. The compensation of or the~~
24 retired classroom-based employee who returns to service as a classroom-based
25 employee pursuant to subsection 1-A, paragraph A must be set at 100% of the
26 compensation established for the position to be filled, at a step determined by the
27 school administrative unit, ~~for up to the maximum 5-year period that a classroom-~~
28 ~~based employee may contract with an individual school administrative unit.~~

29 **Sec. 5. 5 MRSA §17859, sub-§5**, as enacted by PL 2011, c. 380, Pt. MMM, §1, is
30 repealed.

31 **SUMMARY**

32 This bill eliminates the provisions in law that limit employment of a retired state
33 employee or teacher to 5 years and 75% of the compensation established for the position.