

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-1154)
107TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1860,
L.D. 2027, Bill, "AN ACT to Clarify the Retirement Statutes."

Amend said Amendment by striking out everything after the
title and inserting in place thereof the following:

'Amend said Bill by striking out all of the emergency
preamble and the emergency clause.

Further amend said Bill by striking out all of section 1.

Further amend said Bill in section 2 by striking out the
last 2 sentences and inserting in place thereof the following:
~~Accumulated-or-accrued-leave-shall-not-include-lapsed-leave,
or-other-leave-beyond-a-maximum-set-as-accumulated-or-accrued-by
personnel-rules-or-regulations-or-by-contract.~~ Accumulated or
accrued leave credited for membership service shall not exceed a
total of 90 days, except as provided by this section.

Accumulated or accrued leave beyond 90 days may be credited for
membership service, up to the maximum set as accumulated or
accrued, without lapsing, by personnel rules or regulations, or
by contract, if:

A. For state employees. The member, prior to the date any
retirement allowance becomes effective for him, deposits
in the Members' Contribution Fund, by a single payment, such
amount as will be the actuarial equivalent, at the effective date
of his retirement allowance, of the portion of his retirement
allowance based on such additional creditable service beyond

90 days;

B. For teachers. The member, or the school administrative unit employing the member, deposits in the Members' Contribution Fund, by a single payment, such amount as will be the actuarial equivalent, at the effective date of his retirement allowance, of the portion of his retirement allowance based on such additional creditable service beyond 90 days. The member and the school administrative unit may determine, by contract, the proportion to be deposited by each to secure this additional creditable service; and

C. For local districts. The local district elects this benefit and pays into the system the entire actuarial equivalent of this provision.

Paragraph B shall not apply to teachers who retire immediately following completion of the contractual obligations of a contract valid and in effect on the effective date of this Act. Such retiring teachers may receive credit for membership service for accumulated or accrued leave under this section as in effect immediately prior to the effective date of this Act.

Further amend said Bill by striking out all of section 4.

Further amend said Bill in section 6 by striking out all of the last paragraph and inserting in place thereof the following:

Sections-24-A, 38-B, 41, 44, 46, 49-A, 50 and 50-A Section 23-A and as much of sections 38-B and 49-A as apply to members

in local districts, shall apply to all retirement allowances that are first payable on or after July 1, 1977; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to ~~January 1, 1976~~ July 1, 1977, that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1977, shall be so determined.

Sections 41, 44, 46, 50 and 50-A, and as much of sections 38-B and 49-A that apply to members who are state employees, shall apply to all retirement allowances that are first payable on or after July 1, 1976; except that any part of a retirement allowance based on creditable service and earnable compensation paid prior to July 1, 1976, that would be higher if determined, on a pro rata basis, under the provisions of chapter 101 in effect immediately prior to July 1, 1976, shall be so determined.'

Further amend said Bill by adding at the end the following new section (before the emergency clause).

'Sec. 9. Retroactivity. The last paragraph of section 6 of this Act is retroactive to July 1, 1976.'

Further amend said Bill by renumbering sections to read consecutively (make sure the retroactivity section is numbered correctly on the internal reference).'

Statement of Fact

This amendment does the following:

1. Leaves the "additional benefits" and contribution rate of members who continue to work after reaching eligibility for retirement under a "special plan" at the 2% and 6.5% set in present law;

2. Provides for payment for accumulated or accrued leave beyond 90 days that will be used as creditable service, in the following manner:

A. For state employees, the employee to pay the cost of such additional service;

B. For teachers, the employee and school administrative unit, in proportions they determine by contract, to pay the cost (with a grandfather clause for teachers retiring immediately after completing a contract now in force); and

C. For local districts, the local district or its employee, as they determine, to pay the cost.

3. Strikes out section 4 entirely; and

4. Separates the effective date for local districts and state employees on the shift to "average final compensation" and the additional benefits accruing after eligibility; leaving local districts with a 1977 effective date, and changing state employees to a 1976 effective date.

Filed by Mr. MacEachern of Lincoln.

Reproduced and distributed under the direction of the Clerk of the House.
3/30/76

(Filing No. H-1154)