

# 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)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 465**

H. P. 418

House of Representatives, January 28, 1981

Referred to the Committee on Aging, Retirement and Veterans. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Livesay of Brunswick.

Cosponsor: Representative Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Concerning Appointment Chief Administrative Officers of Local Districts under the Maine State Retirement Laws.**

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

**Sec. 1. 5 MRSA § 1092, sub-§ 5, is amended by adding a new sentence to read:**

**Membership shall be optional for a chief administrative officer whether appointed for a fixed term or whether appointed with tenure.**

**Sec. 2. 5 MRSA, § 1092, sub-§ 11, as amended by PL 1975, c. 622, § 26, is further amended by adding at the end a new paragraph to read:**

**Notwithstanding anything to the contrary, any participating local district may adopt a retirement benefit for its appointed chief administrative officer which may vary from the remainder of the participating district membership.**

STATEMENT OF FACT

The purposes of this bill are: 1. The change in Title 5, section 1092, subsection 5, allows districts the option of whether or not to require the chief administrative officer to participate in the Maine State Retirement System. In particular, the present mandatory requirement restricts the movement of chief administrative

officers, both those who might be persuaded to move into the State and those Maine natives who may wish to move out. 2. The change in Title 5, section 1092, subsection 11, allows a chief administrative officer to negotiate his own retirement benefits separate from the benefits available to the other members of the district. The reason for this change is that appointed chief administrative officers, as they move from district to district, are faced with differing levels of retirement because those districts, towns and cities, have adopted different options. A district cannot presently adjust the retirement option for one person but must make any new benefit applicable to all within the participating district. Chief administrative officers, being members of a mobile profession, thus may end up with a retirement computation based upon 2, 3 or more differing sets of facts, options and time periods, all effecting the final settlement.