

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 717

6
7 H.P. 569

House of Representatives, February 10, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

Cosponsors: Representative Crowley of Stockton Springs and
Representative Tammaro of Baileyville.

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12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide an Additional Retirement
18 Fund for Public School Coaches.
19

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

22 Sec. 1. 5 MRSA §1001, sub-§6-B is enacted to
23 read:

24 6-B. Coach. "Coach" means any teacher in the
25 public schools who receives compensation, in addition
26 to a basic salary, expressly for the purpose of com-
27 pensating that member for coaching duties which are
28 performed in addition to a regular teaching position.

29 Sec. 2. 5 MRSA §1001, sub-§9, as amended by PL
30 1975, c. 622, §§1 and 2, is further amended to read:

31 9. Earnable compensation. "Earnable compensa-
32 tion" ~~shall mean~~ means actual compensation, including

1 maintenance if any, but shall not include payment for
2 more than 30 days of accumulated or accrued sick
3 leave or unused vacation leave or a combination of
4 both, nor include any other payment which is not com-
5 pensation for actual services rendered or which is
6 not paid at the time such those services are
7 rendered. Any money paid by an employer under an
8 annuity contract for the future benefit of an
9 employee shall be considered part of the employee's
10 earnable compensation.

11 Any compensation, in addition to a basic salary,
12 received by a coach solely for the purpose of compen-
13 sating that member for coaching duties which are per-
14 formed in addition to a regular teaching position
15 shall not be considered earnable compensation for
16 purposes of this chapter.

17 The earnable compensation of a member retired with a
18 disability retirement allowance under section 1122
19 shall be assumed, for the purposes of determining
20 benefits under this chapter, to be continued after
21 his date of termination of service at the same rate
22 as received immediately prior thereto, subject to the
23 same percentage adjustments, if any, that may apply
24 to the amount of retirement allowance of the benefi-
25 ciary under section 1128.

26 Sec. 3. 5 MRSA §1094, sub-§18 is enacted to
27 read:

28 18. Coaches' supplemental creditable service.
29 Any member who has served as a coach for 10 or more
30 years while a member of the retirement system may
31 purchase supplemental creditable service for each
32 year so claimed, provided that the member purchases
33 at least 10 years of that service. The service shall
34 be allowed as supplemental creditable service for any
35 member in the determination of his supplemental ser-
36 vice retirement allowance under section 1121, subsec-
37 tion 2, paragraph A, subparagraph (6), provided that
38 the member, prior to the date any retirement allow-
39 ance becomes effective for him, deposits in the Mem-
40 bers' Contribution Fund for each year of service
41 claimed that percentage of contribution he paid on
42 his earnable compensation during the period of time
43 covered by that service applied to the compensation

1 he received solely for coaching duties each year
2 which was not included in his earnable compensation,
3 as defined in section 1001, together with interest at
4 2% greater than regular interest thereon from the
5 date he would have made the contribution had it been
6 included in earnable compensation to the date of
7 payment.

8 Sec. 4. 5 MRSA §1121, sub-§2, ¶A, as amended by
9 PL 1977, c. 699, §§1 to 3, is further amended to
10 read:

11 A. The total amount of the service retirement
12 allowance of a member retired in accordance with
13 subsection 1 shall be equal to the sum of
14 subparagraphs (1) and (2) and, for coaches,
15 supplemental service retirement allowance, as
16 provided in subparagraph (6), subject to para-
17 graphs B and C and subsection 4:

18 (1) 1/50 of his average final compensation
19 multiplied by the number of years of his
20 membership service, and

21 (2) If he has a prior service certificate
22 in full force and effect or, if he was for-
23 merly subject to the Revised Statutes of
24 1944, chapter 37, sections 212 to 241, with
25 a prior service certificate in full force
26 and effect for teacher service before July
27 1, 1947, 1/50 of his average final compensa-
28 tion multiplied by the number of years, not
29 to exceed 25, of his prior service. A parti-
30 cipating local district may elect to
31 include, as to all employees of the dis-
32 trict, prior service in excess of 25 years.
33 Any member formerly subject to the Revised
34 Statutes of 1944, chapter 37, sections 212
35 to 241, with a prior service certificate in
36 full force and effect for teaching service
37 before July 1, 1942, may elect to receive
38 1/60 of his average final compensation
39 multiplied by the number of years of his
40 teaching service rendered prior to July 1,
41 1942, in lieu of 1/50 of his years of ser-
42 vice, not to exceed 25, as provided in this
43 subparagraph.

1 (3) Each person receiving a retirement
2 allowance shall become entitled to a
3 recomputation of benefits based upon the
4 change in formula to a 1/50 and such that
5 amount, exclusive of retirement allowance
6 adjustments as granted under section 1128,
7 shall be paid. Such adjustments as may have
8 been granted under section 1128 shall not be
9 changed, improved or impaired.

10 (4) Any member who has 10 or more years of
11 creditable service at retirement shall be
12 entitled to a minimum of \$100 per month,
13 further any former state employee or teacher
14 who had 10 or more years of creditable ser-
15 vice and who is receiving a retirement
16 allowance including such adjustments as have
17 been provided by section 1128, which is less
18 than \$100 per month, shall be increased to
19 \$100 per month the first day of the month
20 following October 3, 1973.

21 (5) As of January 1, 1970, each person who
22 is receiving a retirement allowance which
23 had been computed on the basis of a 5-year
24 average highest compensation shall be enti-
25 tled to a recomputation of benefits based
26 upon a 3-year average highest compensation
27 but not less than an increase of 2% on the
28 basic retirement allowance exclusive of such
29 amounts as may have accrued under section
30 1128. When the final recomputations are com-
31 pleted, if any reflects an amount that is
32 greater than 2% of the basic retirement
33 allowance the retirement system shall make
34 such that correction effective as of January
35 1, 1970.

36 (6) Any member who purchases supplemental
37 creditable service in accordance with
38 section 1094, subsection 18, shall become
39 entitled to a supplemental retirement allow-
40 ance equal to 1/50 of his average coaching
41 salary, as determined in this subparagraph
42 multiplied by the number of years of suppl-
43 emental creditable service. The average
44 coaching salary means the average annual

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rate of the compensation which that member received solely for coaching duties which was not included in the member's earnable compensation, as defined in section 1001, during the 3 years, not necessarily consecutive, in which that compensation attributed solely to coaching was highest.

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STATEMENT OF FACT

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This bill excludes the salary a teacher receives as a coach from the earnable compensation of a member of the retirement system. That member will not normally contribute any portion of that salary to the retirement system and that portion of his salary will not be included in the annual retirement allowance determination.

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This bill also provides that any member who has coached for 10 or more years may, at his option, receive a supplemental retirement allowance based on his coaching salary, provided that the member makes the normal employee contribution on his coaching salary. He must purchase at least 10 years' credit to be eligible for the supplemental service retirement allowance.

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