

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1513, L.D. 2135)  
3 SECOND REGULAR SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 2340

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9 H.P. 1662

House of Representatives, April 7, 1986

10 Reported by Representative Hickey from the Committee on Aging,  
11 Retirement and Veterans and printed under Joint Rule 2. Original bill  
12 sponsored by Representative Rydell of Brunswick. Cosponsored by Senator  
Clark of Cumberland, Senator Maybury of Penobscot and Representative  
Taylor of Camden.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

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19 AN ACT to Insure the Rights of the Staff of  
20 the Projects Serving Preschool  
21 Handicapped Children and Other  
22 Preschool Teachers Employed by Public  
23 Schools to Receive Maine State  
24 Retirement.  
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26 Emergency preamble. Whereas, Acts of the Legis-  
27 lature do not become effective until 90 days after  
28 adjournment unless enacted as emergencies; and

29 Whereas, the retirement status of the staff of  
30 the Preschool Coordination Projects should be deter-  
31 mined before the start of the next fiscal year; and

32 Whereas, the Preschool Handicapped Coordination  
33 Services Council must be established prior to July 1,  
34 1986, to accomplish this task; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9           Sec. 1. 5 MRSA §1001, sub-§25 is amended to  
10 read:

11           25. Teacher. "Teacher" ~~shall mean~~ means any  
12 teacher, preschool teacher, principal, supervisor,  
13 school nurse, school dietitian, school secretary or  
14 superintendent employed in any public school, includ-  
15 ing teachers in unorganized territory.

16           Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-B) is  
17 enacted to read:

18 (4-B) Education Board of Trustees, Expenses 20-A MRSA§7707  
19 Preschool Handi- Only  
20 capped Coordination  
21 Services Council

22           Sec. 3. 20-A MRSA §§7707 to 7709 are enacted to  
23 read:

24 §7707. Preschool Handicapped Coordination Services  
25 Council

26           The Preschool Handicapped Coordination Services  
27 Council is established as a body corporate and poli-  
28 tic and public instrumentality of the State and the  
29 exercise of the powers conferred by this section  
30 shall be deemed and held to be the performance of es-  
31 sential governmental functions.

32           1. Employees. The professional and other staff  
33 of the preschool coordination projects funded under  
34 section 7703 shall be employees of the council.

35           2. Hiring. The council may delegate the author-  
36 ity to hire, fire and supervise the staff of their

1 projects to the local coordinating committees estab-  
2 lished under section 7703, subsection 4.

3 §7708. Board of Trustees for the Preschool Handi-  
4 capped Coordination Services Council

5 The board of trustees of the council shall be the  
6 governing body of the Preschool Handicapped Coordina-  
7 tion Services Council. This authority shall not  
8 override the authority assigned to the local coordi-  
9 nating committee in section 7703, subsection 4.

10 1. Membership. The board of trustees shall have  
11 the same membership as the Interdepartmental Coordi-  
12 nating Committee for Preschool Handicapped Children  
13 established in section 7704.

14 2. Chairman. The chairman of the board of  
15 trustees shall be the same person who serves as the  
16 chairman of the Interdepartmental Coordinating Com-  
17 mittee for Preschool Handicapped Children.

18 3. Duties. The board of trustees shall have the  
19 following duties:

20 A. Establish a retirement package for its em-  
21 ployees identified in section 7707 following pro-  
22 cedures specified in section 7709; and

23 B. Fulfill other duties assigned by the Legisla-  
24 ture and adopt rules necessary for those duties.

25 4. Meetings. The meetings shall be held concu-  
26 rently with the meetings of the Interdepartmental Co-  
27 ordinating Committee for Preschool Handicapped Chil-  
28  dren. The meetings for the purpose of establishing  
29 the retirement package shall be held so that the re-  
30 irement package will go into effect on July 1, 1986.  
31 Subsequent meetings will be called by the chairman.

32 5. Grants and gifts. The council may accept  
33 grants and gifts on behalf of the local projects and  
34 shall pay the funds directly to the project upon re-  
35 ceipt.

36 §7709. Preschool Handicapped Coordination Services  
37 Council retirement package

1           The obligations of the Preschool Handicapped Co-  
2 ordination Services Council, as provided for in sec-  
3 tion 7708, subsection 3, to establish a retirement  
4 package for the professional and other staff of the  
5 preschool coordination project, shall be carried out  
6 as follows.

7           The Preschool Handicapped Coordination Services  
8 Council shall work with the Maine State Retirement  
9 System to provide for retirement benefits for the  
10 professional and other staff of the preschool coordi-  
11 nation projects.

12           1. Enrollment and options. The council shall  
13 first enroll its employees in the United States So-  
14 cial Security System and 2nd provide the option of  
15 membership in the Maine State Retirement System.

16           2. Current employees of the Preschool Coordina-  
17 tion Projects. For those employees being transferred  
18 to the Preschool Handicapped Coordination Services  
19 Council who are members of the Maine State Retirement  
20 System, all funds held by the Maine State Retirement  
21 System in the Members' Contribution Fund to the cred-  
22 it of these employees shall be transferred on the  
23 records of the Maine State Retirement System to the  
24 council account in the Members' Contribution fund.  
25 Creditable service rendered by these employees for  
26 retirement purposes shall be the same as if the em-  
27 ployment had been rendered as a council employee.  
28 Funds held by the Maine State Retirement System in  
29 the teacher or state account in the Retirement Al-  
30 lowance Funds which were paid by the State shall be  
31 transferred to the council account in the Retirement  
32 Allowance Fund to pay benefits for future retirees.

33           3. Former employees of the Preschool Coordina-  
34 tion Projects. Former employees of the Preschool Co-  
35 ordination Projects who have not withdrawn their con-  
36 tributions shall be treated in the same manner as if  
37 they had been state employees or teachers with re-  
38 spect to the Maine State Retirement System rights and  
39 benefits.

40           Emergency clause. In view of the emergency cited  
41 in the preamble, this Act shall take effect when ap-  
42 proved.

1

FISCAL NOTE

2           In the first year there will be added cost of  
3 covering the employers share of social security for  
4 those project employees who are presently not covered.  
5 In future years, there should be a cost savings  
6 for the State since the combined cost of the employer's,  
7 Preschool Handicapped Coordination Services Council's,  
8 share of Maine State Retirement plus the employer's share  
9 of social security is expected to be less than the State's  
10 share of the State and teachers' component of the Maine  
11 State Retirement System. The employees who are members  
12 of both systems will have to pay an employee's share to  
13 both.

14

STATEMENT OF FACT

15           This new draft establishes a Preschool Handi-  
16 capped Coordination Services Council. The council is  
17 given the duties of establishing a retirement package  
18 for its employees. The retirement package will include  
19 social security for all employees and Maine state  
20 retirement for those electing it. The creditable  
21 services of those employees who have previously been  
22 members of the Maine State Retirement System or made  
23 contributions to the system will be the same as if  
24 the employment has been rendered as employees of  
25 the council. Former staff of the preschool projects  
26 will be treated by the Maine State Retirement System  
27 as if they had always been state employees or teachers.  
28

29           The new draft also clarifies the definition of  
30 teachers. It makes clear that preschool teachers are  
31 the same as teachers in kindergarten through grade 12  
32 for the purposes of the Maine State Retirement System.  
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