

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1624

S.P. 620

In Senate, April 24, 1991

Approved by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Aging, Retirement and Veterans suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec

Cosponsored by Representative JALBERT of Lisbon, Senator CLARK of Cumberland and Representative HANDY of Lewiston.

STATE OF MAINE

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

An Act to Amend the Calculation Procedure for Final Average Compensation under the Maine State Retirement Laws in Cases of Furloughs.

(AFTER DEADLINE)

(EMERGENCY)

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, members of the Maine State Retirement System who are furloughed are losing benefits because the method of calculating average final compensation in the state retirement laws does not take account of their loss of compensation from furloughs; and

Whereas, it is necessary to amend the definition of average final compensation so that the average final compensation of a member is calculated as if the member were not furloughed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA §17001, sub-§4, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which his the member's annual rate of earnable compensation is highest except that, if a member is furloughed pursuant to executive order during the 3 years in which the member's rate of earnable compensation would have been highest if the member were not furloughed, the average final compensation of that member is calculated as if the member were not furloughed; or

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill amends the definition of average final compensation for the purposes of the Maine State Retirement System to provide that the average final compensation of a member who is furloughed is calculated as if the member were not furloughed. The bill is being proposed as an emergency bill to give immediate protection to members of the Maine State Retirement System who have been furloughed.