

MAINE STATE LEGISLATURE

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90K
R. of S.

L.D. 1974

(Filing No. S-453)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " B" to H.P. 1386, L.D. 1974, Bill, "An Act to Allow State Government to Continue to Operate in Fiscal Years 1991-92 and 1992-93"

Amend the bill by inserting before section 1 the following:

'PART A'

Further amend the bill by inserting before the emergency clause the following:

'PART B'

Sec. B-1. 5 MRSA §17001, sub-§13, ¶B, as amended by PL 1991, c. 528, Pt. EEE, §3, is further amended to read:

B. "Earnable compensation" does not include:

(1) For any member who has 7 years of creditable service by December 1, 1991 or who has reached 60 years of age and has been in service for a minimum of one year immediately before that date, payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both;

(1-A) For any member who ~~does is not have 7 years of creditable service by December 1, 1991~~ covered by subsection 1, payment for any unused accumulated or accrued sick leave or payment for any unused vacation leave;

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2 (2) Any other payment which is not compensation for
actual services rendered or which is not paid at the
4 time the actual services are rendered; or

6 (3) Teacher recognition grants paid pursuant to Title
20-A, section 13503-A.

8 Sec. B-2. 5 MRSA §17858, as enacted by PL 1991, c. 528, Pt.
10 EEE, §15, is amended to read:

12 **§17858. Retirement incentive option**

14 Any state employee, as defined in section 17001, subsection
16 40, having reached normal retirement age who retires on or after
18 October 30, 1991 and who is restored to service is not subject,
20 for up to 3 years, to the earnings limitations set forth in
22 section 17855. Any such person is entitled to all benefits that
24 the person was entitled to at the time of termination by
26 collective bargaining agreements or civil service laws and
28 rules. The retired state employee's salary must be 80% of the
30 employee's salary at the time of termination. The retired state
32 employee is not a member of the retirement system and therefore
may not accrue additional creditable service and is not entitled
to any other benefits that accrue to an active member of the
retirement system. For any state employee who has reached normal
retirement age on or before October 30, 1991, the option
established in this section must be selected by the state
employee by January 31, 1992. For all other state employees for
fiscal year 1991-92 only, the option established in this section
must be selected by the state employee within 3 months of
reaching normal retirement age.

34 Sec. B-3. PL 1991, c. 528, Pt. EEE, §16, first sentence, is amended
to read:

36 The State Budget Officer shall calculate the amount in
38 section 16 17 of this Part that applies against each General Fund
40 account for all departments and agencies not within the Judicial
Department or the Legislature based on the Personal Services
appropriations to those accounts.'

42 Further amend the bill by renumbering the sections to read
44 consecutively.

46 **STATEMENT OF FACT**

48 This amendment ensures that members of the Maine State
Retirement System who are eligible to retire on December 1, 1991

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2 will not lose benefits to which they are presently entitled. The
3 amendment changes the retirement incentive option in 3 ways. The
4 retired state employee is exempt from the general earnings
5 limitation for a period of up to 3 years only. State employees
6 that have reached normal retirement age by October 30, 1991 have
7 until January 31, 1992 to select the option. For fiscal year
8 1991-92, all other state employees must choose the option within
9 3 months of reaching normal retirement age. The amendment also
10 makes a technical correction to a cross-reference.

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(Senator McCORMICK)
SPONSORED BY:

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COUNTY: Kennebec

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SENATE AMENDMENT