

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1991

Legislative Document

No. 1982

S.P. 786

In Senate, July 17, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Aging, Retirement and Veterans suggested. Under suspension of the Rules, Read Twice and Passed to be Engrossed, without reference to a Committee and Ordered Printed. Ordered sent down forthwith for concurrence.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec

STATE OF MAINE

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

**An Act Relating to Average Final Compensation for Purposes of the
Maine State Retirement System.**

(EMERGENCY)



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

4 Whereas, state employees not deemed essential to the
6 functioning of State Government were unable to work for 8 days
during the month of July 1991 and are not being compensated for
8 those days; and

10 Whereas, under existing law, these 8 days without pay will
12 have the effect of reducing the service retirement benefit of
state employees who will be retiring prior to the expiration of
the 90-day period; and

14 Whereas, this reduction of benefit to these employees would
16 be inequitable; and

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

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

26 **5 MRSA §17001, sub-§4, ¶A,** as amended by PL 1991, c. 121, Pt.
A, §1, is further amended to read:

28 A. The average annual rate of earnable compensation of a
30 member during the 3 years of creditable service as an
employee in Maine, not necessarily consecutive, in which the
32 member's annual rate of earnable compensation is highest.
However, if a member is subject to a temporary layoff as a
34 result of a Governor's Executive Order, loss of pay pursuant
to an agreement of February 15, 1991 between the Executive
36 Department and the American Federation of State, County and
Municipal Employees, Council 93, ~~or~~ days off without pay as
38 authorized by legislative action or days off without pay
40 resulting from any executive order declaring or continuing a
state of emergency relating to the lack of an enacted budget
42 document for fiscal years ending June 30, 1992 and June 30,
44 1993, the 3-year average final compensation must be
determined as if the member had not been temporarily laid
off, reduced in pay, or provided days off without pay; or

46 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
48

FISCAL NOTE

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4 The additional increases in earnable compensation from
6 excluding the effect of the recent "shutdown" of State Government
 will not appreciably affect the unfunded liability of the Maine
 State Retirement System nor future employer contributions.

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STATEMENT OF FACT

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 This bill provides that the average final compensation of
12 state employees will not be affected by pay lost as a result of
 the July 1991 shutdowns of State Government.