

# MAINE STATE LEGISLATURE

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L.D. 556

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DATE: June 15, 1995 (Filing No. S- 278)

**LABOR**

Reported by: Senator BEGLEY of Lincoln for the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 214, L.D. 556, Bill, "An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System"

Amend the bill by inserting after the title and before the enacting clause the following:

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** current law requires part-time, seasonal and temporary state employees, including adult education teachers, to be members of the Maine State Retirement System; and

**Whereas,** that requirement creates financial and other hardships for certain part-time, uncertified adult education teachers that must be addressed through legislation; and

**Whereas,** legislation taking effect July 1, 1995 is necessary to address the hardships created by current law; 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

**COMMITTEE AMENDMENT**

2 necessary for the preservation of the public peace, health and  
safety; now, therefore,'

4 Further amend the bill in section 1 by striking out all of  
6 paragraph B and inserting in its place the following:

8 'B. Any employee of a public school who fills any position  
10 not included in paragraph A, the principal function of which  
12 is to introduce new learning to students, except that an  
14 employee who is employed in adult education as defined in  
Title 20-A, section 8601-A, subsection 1 and who is not  
otherwise covered by the definition of teacher defined in  
this subsection may not be considered a teacher for purposes  
of this Part;'

16 Further amend the bill by inserting after section 3 and  
18 before the statement of fact the following:

20 **Sec. 4. Application.** The exclusion of certain adult education  
22 employees from the definition of teacher that is provided by  
24 section 1 of this Act applies to those employees who are employed  
26 on or after July 1, 1995 in circumstances to which the exclusion  
28 applies, regardless of whether an employee has been employed in  
those circumstances prior to that date. An employee who was  
employed in those circumstances prior to that date and whose  
contributions related to that employment are in the Maine State  
Retirement System on that date may, but is not required to,  
withdraw those contributions.

30 **Emergency clause.** In view of the emergency cited in the  
32 preamble, this Act takes effect July 1, 1995.'

34 Further amend the bill by inserting at the end before the  
statement of fact the following:

36 **FISCAL NOTE**

38 Section 1 of this bill excludes certain noncertified adult  
40 education personnel currently participating in the Maine State  
42 Retirement System from that participation. Pursuant to the  
44 Constitution of Maine, since funds appropriated to the Maine  
State Retirement System may not be deappropriated in any  
subsequent action, the savings that will occur will result in an  
experience gain in the system's unfunded liability applicable to  
46 teachers.

48 Absent the Maine State Retirement System plan, which was  
paid entirely by an appropriation to the Department of Education,  
school administrative units will be required to provide Social

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COMMITTEE AMENDMENT "A" to S.P. 214, L.D. 556

2 Security or another qualified retirement plan to their  
3 employees. The additional costs of this state mandate to school  
4 administrative units are not expected to be significant.  
5 Pursuant to the Mandate Preamble, the two-thirds vote of all  
6 members elected to each House exempts the State from the  
7 constitutional requirement to fund 90% of the additional local  
8 costs.

9  
10 The new retirement provisions will also increase the cost of  
11 adult education programs provided by school administrative  
12 units. Since the State's appropriation for adult education  
13 subsidy is proposed to remain at fiscal year 1994-95 levels the  
14 increased retirement costs will reduce the amount available for  
15 instruction programs. Payment of the Social Security benefits  
16 will increase the expenditure base of adult education programs,  
17 and may result in future additional General Fund appropriation  
18 requests.

19  
20 Section 2 of the bill clarifies the responsibility for the  
21 payment of retirement costs for certain certified adult education  
22 teachers, and will avoid potential unbudgeted costs for school  
23 administrative units.'

24  
25 **STATEMENT OF FACT**

26  
27 This amendment replaces language in the bill to clarify the  
28 bill's intent to exempt part-time adult education teachers  
29 working in positions not requiring certification from the  
30 requirement that they be members of the Maine State Retirement  
31 System. The amendment also adds a mandate preamble, emergency  
32 preamble, emergency clause and fiscal note to the bill.