

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1850

H.P. 1349

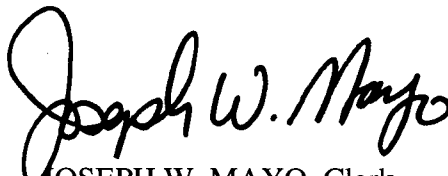
House of Representatives, March 13, 1996

**An Act to Clarify the Retirement Status of Certain Employees of the
Child Development Services System.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TREAT of Gardiner.
Cosponsored by Representatives: AULT of Wayne, HATCH of Skowhegan, SIMONEAU of
Thomaston, WATSON of Farmingdale, Senator: PINGREE of Knox.

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

4
6 **Whereas,** in 1986, the 16 county projects established to aid
in the coordination of the provision of services to preschool
handicapped children were combined as the Child Development
8 Services System, or "CDS"; and

10 **Whereas,** the CDS was created, in part, to establish a
central employer for CDS staff, who could be treated like
12 participating local district employees for retirement purposes;
and

14
16 **Whereas,** CDS staff who had prior creditable service in the
Maine State Retirement System were permitted to bring that
service with them to be added to service accrued in the CDS; and

18
20 **Whereas,** amendments to the laws governing the CDS have been
interpreted as effectively dissolving the participating local
district; and

22
24 **Whereas,** current law requires that when a participating
local district ceases to exist funds in the retirement account of
the participating local district be distributed to the employees;
26 and

28 **Whereas,** the Maine State Retirement System is preparing to
make the distribution immediately and employees of the CDS will
30 lose any creditable service they have accrued; and

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

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

40 **Sec. 1. Employees of the Child Development Services System.**
Notwithstanding the Maine Revised Statutes, Title 5, section
42 18255 or section 18408, or any other provision of law, the Maine
State Retirement System is not required to distribute the funds
44 that have been established under the Maine State Retirement
System for the Child Development Services System. An employee of
46 the Child Development Services System may elect whether to
receive funds pursuant to Title 5, section 18408 or to leave the
48 funds in the retirement system and retain creditable service
earned both prior to and in the course of employment with the
50 Child Development Services System.

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

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STATEMENT OF FACT

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8 This bill permits employees of the Child Development
Services System to elect not to receive distribution of funds
from the Maine State Retirement System and to retain accrued
10 creditable service.