

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 659

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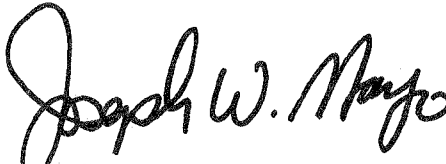
H.P. 488

House of Representatives, January 30, 1997

**An Act to Authorize Members of the Maine State Retirement System to  
Combine Years of Service Under Different Plans.**

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Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DRISCOLL of Calais.  
Cosponsored by Representatives: AHEARNE of Madawaska, BAGLEY of Machias,  
BUNKER of Kossuth Township, GOODWIN of Pembroke, LEMAIRE of Lewiston,  
SAMSON of Jay, Senators: CASSIDY of Washington, O'GARA of Cumberland.

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

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4       **Sec. 1. 5 MRSA §17656, sub-§1, ¶¶A and B**, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

6       A. Any member of the retirement system whose service is  
8       terminated as a state employee, teacher or participating  
10       local district employee and who becomes employed as a state  
12       employee, teacher or participating local district employee  
with a new employer shall, if he the member has not  
previously withdrawn his the member's accumulated  
contributions:

14               (1) Have his that membership transferred to his the  
16               member's account with the new employer; and

18               (2) Be entitled to all benefits which that:

20                       (a) Are based on creditable service and earnable  
22                       compensation with the previous employer and the  
24                       provisions of this Part in effect with respect to  
the previous employer at the date of termination  
of service by the member; and

26                       (b) Do not require additional contributions by  
the new employer.

28       B. The new employer may elect to include the creditable  
30       service and earnable compensation of the member with the  
32       previous employer with the creditable service and earnable  
34       compensation with the new employer. If that election is  
made, the new employer shall make, from time to time,  
whatever contributions are necessary to provide the benefits  
under the retirement system for the member as have accrued  
to the member by reason of his the member's previous  
36       employment and as may accrue to the member by reason of his  
the member's new employment.

38       **Sec. 2. 5 MRSA §17656, sub-§2** is enacted to read:

40               2. Teachers previously employed as teacher aides. A  
42       teacher member who was previously employed in a public school as  
44       a teacher aide may transfer service from the participating local  
district plan as follows.

46       A. A teacher member who was employed in a public school as  
48       a teacher aide at any time prior to July 1, 1989 and who was  
50       a member of a participating local district for all or part  
52       of that period of employment as a teacher aide may elect to  
have the creditable service and earnable compensation as a  
participating local district member combined with the  
member's creditable service and earnable compensation as a

2           teacher member. This election must be made before any  
3           retirement benefit becomes effective for the member.

4           B. If the member is required by paragraph C to make  
5           additional contributions, the creditable service and  
6           earnable compensation may not be transferred until after the  
7           required additional contributions have been made and the  
8           accumulated contributions transferred to that member's  
9           account.

10           C. If a member's contribution rate as a participating local  
11           district member was less than the contribution rate for  
12           teacher members, the member must make any additional  
13           contributions that are needed to increase the accumulated  
14           contributions to an amount equal to the amount that would  
15           have been contributed had the member contributed the same  
16           rate that teacher members contributed during the period when  
17           the member was a participating local district member.

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**SUMMARY**

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23           This bill allows teachers who were employed as teacher aides  
24           prior to July 1, 1989 to have creditable service earned as a  
25           member of the participating local district transferred to the  
26           member account established under the Maine State Retirement  
27           System for service as a teacher. If the member's contribution  
28           rate as a teacher aide was lower than it would have been for the  
29           same period as a teacher, the member must make additional  
30           contributions as necessary to equalize the rate.