

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1535

S.P. 514

In Senate, April 8, 2003

### **An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.

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

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6           **Whereas,** with the passage of Public Law 2001, chapter 442,  
several retirees who would otherwise be eligible to return to  
state service and rejoin the retirement system are precluded from  
8 joining the system; and

10           **Whereas,** this legislation must be enacted as an emergency  
measure in order to correct a hardship created by this result; and

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14           **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  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

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**Sec. 1. PL 2001, c. 442, §6** is enacted to read:

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24           **Sec. 6. Application; benefit recipient option.** A recipient of a  
service retirement benefit from the Maine State Retirement System  
who returned to covered employment under the retirement system in  
26 a position that would otherwise be covered by the retirement plan  
for state employees and teachers and whose total earnable  
28 compensation for 2001 would have eliminated the retirement  
benefit requiring the recipient to be restored to membership by  
30 operation of the Maine Revised Statutes, Title 5, former section  
17855 as it existed immediately prior to the effective date of  
32 this Act may exercise the option to be covered by that section  
rather than the other provisions of this Act.

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36           **Sec. 2. Retroactivity.** This Act applies retroactively to  
September 21, 2001.

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

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## SUMMARY

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46           Public Law 2001, chapter 442 removed the earning cap for  
retirees under the Maine State Retirement System who returned to  
covered service and, at the same time, precluded those retirees  
from being restored to membership in the Maine State Retirement  
48 System. This bill allows a recipient of retirement benefits  
under the Maine State Retirement System at the time the law was  
50 changed who had returned to covered service to rejoin the system

2 in certain circumstances, which would include contributing to the retirement system and earning additional creditable service under the system.