

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1599

H.P. 1121

House of Representatives, March 21, 2007

### **An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WOODBURY of Yarmouth.

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

2 **Sec. 1. 5 MRSA §17767** is enacted to read:

3 **§17767. Service credit for teachers for educational development activities**

4 A member who is a teacher may purchase up to one year of service credit for leave  
5 taken for educational development activities related to the member's employment or  
6 other approved purposes under the following conditions.

7 **1. Payment.** The member must, before any retirement benefit becomes effective,  
8 pay into the Members' Contribution Fund by a single payment or annual direct payments  
9 to the retirement system an amount that, together with regular interest on that amount, is  
10 the actuarial equivalent, at the effective date of the retirement benefit, of the portion of  
11 the retirement benefit based on the additional service credit purchased under this section.  
12 Payments must be made as provided in section 17701, subsection 4.

13 If any retirement benefit becomes effective before the completion of the payment under  
14 this subsection, the member is entitled to the additional creditable service that the total  
15 amount of payments actually made, plus regular interest on those payments to the date the  
16 retirement benefit becomes effective, bears to the actuarial equivalent of the total portion  
17 of the retirement benefit based on the additional creditable service.

18 **2. Limitation on use of purchased service credit.** Notwithstanding any other  
19 provision of law, service credit purchased under this section may be used only for the  
20 purpose of increasing the amount of a member's service retirement benefit by inclusion of  
21 the purchased service credit and may not be used to establish a member's qualification for  
22 a service retirement benefit except that until January 1, 2009 service credit for leave taken  
23 for educational development activities prior to July 1, 1993 and purchased under this  
24 section may be used for the purpose of completing the 10-year requirement pursuant to  
25 section 17851, subsection 1-B.

26 **3. Return to employment.** The member must have returned to employment as a  
27 teacher after completion of the leave taken for educational development activities.

28 **Sec. 2. 5 MRSA §17851, sub-§1-B,** as amended by PL 1999, c. 756, §10, is  
29 further amended to read:

30 **1-B. Member in service at retirement; 10 years of creditable service on July 1,**  
31 **1993.** A member who on July 1, 1993, had 10 years of creditable service and who is in  
32 service at retirement, or a member who on July 1, 1993 had reached 60 years of age and  
33 had been in service for a minimum of one year immediately before July 1, 1993 and has  
34 been in service for a minimum of one year immediately before retirement, qualifies for a  
35 service retirement benefit if the member retires upon or after reaching 60 years of age.  
36 For the purpose of determining completion of the 10-year requirement, the 10 years of  
37 creditable service may include creditable service as a member of the Maine Legislative  
38 Retirement System under Title 3, section 701, subsection 8 or creditable service for leave  
39 taken for educational development activities prior to July 1, 1993 and purchased under  
40 section 17767 before January 1, 2009.

1 A. Effective October 1, 1999, the creditable service and age requirements of this  
2 subsection may not be increased for a member who on or before October 1, 1999 met  
3 either of the requirements for eligibility for service retirement benefits under this  
4 subsection, whether or not the member is in service on October 1, 1999.

5 B. For the purpose of calculating creditable service under this subsection only,  
6 creditable service includes time during which a member participated in the voluntary  
7 cost savings plan or the voluntary employee incentive program, authorized by Public  
8 Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB  
9 and chapter 780, Part VV, or 10 years of combined creditable service under this Part  
10 and Title 3, chapter 29, or creditable service available to a member that the member  
11 was eligible to purchase on June 30, 1993 and that the member does purchase in  
12 accordance with rules adopted by the board or creditable service available to a  
13 member for leave taken for educational development activities prior to July 1, 1993  
14 and that the member purchases under section 17767 before January 1, 2009.

15 **SUMMARY**

16 This bill provides that teachers covered under the Maine State Retirement System  
17 may purchase service credit for educational development activities. It also allows  
18 teachers with creditable service for leave taken for educational development activities  
19 prior to July 1, 1993 to use that service time for the purpose of completing the 10-year  
20 requirement pursuant to the Maine Revised Statutes, Title 5, section 17851, subsection 1-  
21 B if the member purchases that creditable service under Title 5, section 17767 before  
22 January 1, 2009.