

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 996

S.P. 375

In Senate, March 12, 2009

**An Act To Allow Certain Retirees in the Maine Public Employees
Retirement System To Return to Service with the State for 180 Days
Annually**

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 GOOLEY of Franklin.
Cosponsored by Representative SAVIELLO of Wilton and
Senators: ALFOND of Cumberland, BOWMAN of York, DAVIS of Cumberland,
SCHNEIDER of Penobscot, WESTON of Waldo, Representatives: BRIGGS of Mexico,
KNAPP of Gorham, McFADDEN of Dennysville.

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

2 **Sec. 1. 5 MRSA c. 421, sub-c. 6 is enacted to read:**

3 **SUBCHAPTER 6**

4 **RETURN TO SERVICE AFTER RETIREMENT**

5 **§17501. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following
7 terms have the following meanings.

8 **1. Normal retirement age.** "Normal retirement age" means the age, years of service
9 or combination of age and years of service at which a member is eligible for service
10 retirement benefits that are not subject to reduction.

11 **2. MePERS employer.** "MePERS employer" means the State, a school
12 administrative unit or a participating local district whether or not that participating local
13 district is in the consolidated plan under chapter 427 for participating local districts.

14 **3. Return to service after retirement with the same MePERS employer.** "Return
15 to service after retirement with the same MePERS employer" means:

16 A. In all cases, employment after retirement with the MePERS employer for whom a
17 member last worked prior to retiring;

18 B. In the case of a retired State employee or retired teacher, employment after
19 retirement as either a State employee or a teacher with a MePERS employer other
20 than the MePERS employer for whom the member last worked prior to retiring; and

21 C. In the case of a participating local district employee who retires from a
22 participating local district in the consolidated plan under chapter 427 at the time of
23 the member's retirement, employment with any participating local district that is in
24 the consolidated plan at the time the member returns to employment.

25 **§17502. Conditions**

26 A member who has not reached normal retirement age at retirement who returns to
27 service after retirement with the same MePERS employer must meet the following
28 requirements.

29 **1. Bona fide termination of employment.** There must be a bona fide termination of
30 employment by the member prior to returning to service after retirement with the same
31 MePERS employer. A bona fide termination of employment requires the following:

32 A. At retirement, the member must certify to the retirement system that the member
33 did not have any discussion or negotiation prior to the member's termination that
34 resulted in an explicit or implicit arrangement or expectation of future employment
35 after retirement with the same MePERS employer;

