

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1776

S.P. 683

In Senate, February 9, 2010

### An Act To Protect Teacher Retirement Income

(AFTER DEADLINE)

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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 SIMPSON of Androscoggin.  
Cosponsored by Representative SIROIS of Turner and  
Senator: NUTTING of Androscoggin.

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

2 **Sec. 1. 5 MRSA §17001, sub-§4, ¶A,** as amended by PL 2009, c. 213, Pt. SSS,  
3 §1, is further amended to read:

4 A. The average annual rate of earnable compensation of a member during the 3 years  
5 of creditable service as an employee in Maine, not necessarily consecutive, in which  
6 the member's annual rate of earnable compensation is highest. However, if a member  
7 is subject to a temporary layoff or other time off without pay as a result of a  
8 Governor's Executive Order, time off without pay or loss of pay pursuant to the  
9 agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the  
10 Executive Department and the American Federation of State, County and Municipal  
11 Employees, Council 93, time off without pay pursuant to the agreement of June 11,  
12 1993 between the Executive Department and the Maine State Employees Association,  
13 days off without pay as authorized by legislative action or days off without pay  
14 resulting from any executive order declaring or continuing a state of emergency  
15 relating to the lack of an enacted budget document for fiscal years ending June 30,  
16 1992 and June 30, 1993, or, if a member elects to make the payments as set forth in  
17 section 17704-B, as a result of days off without pay or for days worked for which the  
18 level of pay is reduced as the result of the freezing of merit pay and longevity pay as  
19 authorized by legislative action, by the State Court Administrator or from executive  
20 order for the fiscal year beginning July 1, 2002, July 1, 2009 or July 1, 2010, or a  
21 combination thereof, or, if a member is subject to days off without pay, not to exceed  
22 10 days in each fiscal year ending June 30, 1992 and June 30, 1993, as a result of  
23 actions taken by local school administrative units to offset school subsidy reductions,  
24 or, if a member is subject to days off without pay during the fiscal year beginning  
25 July 1, 2009 or July 1, 2010, as a result of actions taken by a local school  
26 administrative unit and the member elects to make the payments as set forth in  
27 section 17704-B or, notwithstanding section 18202, as a result of actions of a  
28 participating local district to offset reductions in municipal revenue sharing or a  
29 combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, the  
30 3-year average final compensation must be determined as if the member had not been  
31 temporarily laid off, reduced in pay or provided days off without pay; or

32 **SUMMARY**

33 This bill allows teachers covered by the Maine Public Employees Retirement System  
34 to purchase time attributable to days off without pay as a result of budget decisions made  
35 by local school administrative units for fiscal years ending June 30, 2010 and June 30,  
36 2011. This bill provides to teachers the same benefits available to state employees.