

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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D. Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

2. Limitations on recruitment and retention adjustments. The payment of recruitment and retention adjustments authorized under this subsection shall be subject to the following provisions.

A. The labor market adjustment shall be reviewed no less frequently than once every 2 years and shall be adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market.

B. If the subsequent review provided in paragraph A results in the adjustment being decreased or discontinued, no employee receiving the recruitment and retention adjustment may be subject to a reduction in pay.

3. Limitation on stipends. The use and application of the recruitment and retention adjustment shall be discontinued for any job classification that is not provided with a stipend as of June 30, 1987.

Salary advancements within an established range shall not be automatic, but shall be dependent upon specific recommendation of the appointing officer and approval of the commissioner. Such recommendation shall be based upon standards of performance as indicated by merit ratings or other pertinent data. No advancements in salary shall be made until the employee has completed the probationary period.

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

Effective April 17, 1986.

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## CHAPTER 721

H.P. 1662 - L.D. 2340

AN ACT to Insure the Rights of the Staff of  
the Projects Serving Preschool  
Handicapped Children and Other

Preschool Teachers Employed by Public  
Schools to Receive Maine State  
Retirement.

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

Whereas, the retirement status of the staff of the Preschool Coordination Projects should be determined before the start of the next fiscal year; and

Whereas, the Preschool Handicapped Coordination Services Council must be established prior to July 1, 1986, to accomplish this task; and

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

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

Sec. 1. 5 MRSA §1001, sub-§25 is amended to read:

25. Teacher. "Teacher" shall mean means any teacher, preschool teacher, principal, supervisor, school nurse, school dietitian, school secretary or superintendent employed in any public school, including teachers in unorganized territory.

Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-B) is enacted to read:

(4-B) Education Board of Trustees, Expenses 20-A MRSA §7707  
Preschool Handi- Only  
capped Coordination  
Services Council

Sec. 3. 20-A MRSA §§7707 to 7709 are enacted to read:

§7707. Preschool Handicapped Coordination Services  
Council

The Preschool Handicapped Coordination Services  
Council is established as a body corporate and politi-  
c and public instrumentality of the State and the  
exercise of the powers conferred by this section

shall be deemed and held to be the performance of essential governmental functions.

1. Employees. The professional and other staff of the preschool coordination projects funded under section 7703 shall be employees of the council.

2. Hiring. The council may delegate the authority to hire, fire and supervise the staff of their projects to the local coordinating committees established under section 7703, subsection 4.

§7708. Board of Trustees for the Preschool Handicapped Coordination Services Council

The board of trustees of the council shall be the governing body of the Preschool Handicapped Coordination Services Council. This authority shall not override the authority assigned to the local coordinating committee in section 7703, subsection 4.

1. Membership. The board of trustees shall have the same membership as the Interdepartmental Coordinating Committee for Preschool Handicapped Children established in section 7704.

2. Chairman. The chairman of the board of trustees shall be the same person who serves as the chairman of the Interdepartmental Coordinating Committee for Preschool Handicapped Children.

3. Duties. The board of trustees shall have the following duties:

A. Establish a retirement package for its employees identified in section 7707 following procedures specified in section 7709; and

B. Fulfill other duties assigned by the Legislature and adopt rules necessary for those duties.

4. Meetings. The meetings shall be held concurrently with the meetings of the Interdepartmental Coordinating Committee for Preschool Handicapped Children. The meetings for the purpose of establishing the retirement package shall be held so that the retirement package will go into effect on July 1, 1986. Subsequent meetings will be called by the chairman.

5. Grants and gifts. The council may accept grants and gifts on behalf of the local projects and shall pay the funds directly to the project upon receipt.

§7709. Preschool Handicapped Coordination Services Council retirement package

The obligations of the Preschool Handicapped Coordination Services Council, as provided for in section 7708, subsection 3, to establish a retirement package for the professional and other staff of the preschool coordination project, shall be carried out as follows.

The Preschool Handicapped Coordination Services Council shall work with the Maine State Retirement System to provide for retirement benefits for the professional and other staff of the preschool coordination projects.

1. Enrollment and options. The council shall first enroll its employees in the United States Social Security System and 2nd provide the option of membership in the Maine State Retirement System.

2. Current employees of the Preschool Coordination Projects. For those employees being transferred to the Preschool Handicapped Coordination Services Council who are members of the Maine State Retirement System, all funds held by the Maine State Retirement System in the Members' Contribution Fund to the credit of these employees shall be transferred on the records of the Maine State Retirement System to the council account in the Members' Contribution Fund. Creditable service rendered by these employees for retirement purposes shall be the same as if the employment had been rendered as a council employee. Funds held by the Maine State Retirement System in the teacher or state account in the Retirement Allowance Funds which were paid by the State shall be transferred to the council account in the Retirement Allowance Fund to pay benefits for future retirees.

3. Former employees of the Preschool Coordination Projects. Former employees of the Preschool Coordination Projects who have not withdrawn their contributions shall be treated in the same manner as if they had been state employees or teachers with respect to the Maine State Retirement System rights and benefits.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

EDUCATIONAL AND CULTURAL  
SERVICES, DEPARTMENT OF

Handicapped Children's  
Services -Preschool

All Other \$33,341

Provides funds for employer's contribution to the Maine State Retirement System and to Social Security for the preschool coordination services council.

Teacher Retirement

All Other \$(40,207)

Deappropriates funds to reduce the teacher retirement contribution due to the removal of employees previously accounted for in the teacher retirement accounts.

DEPARTMENT OF EDUCATIONAL  
AND CULTURAL SERVICES

TOTAL \$ (6,866)

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 17, 1986.

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