

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for state employees and teachers and whose total earnable compensation for 2001 would have eliminated the retirement benefit requiring the recipient to be restored to membership by operation of the Maine Revised Statutes, Title 5, former section 17855 as it existed immediately prior to the effective date of this Act may exercise the option to be covered by that section rather than the other provisions of this Act. The option may be exercised to apply retroactively or prospectively and may be exercised only once.

1. Retroactive application of option. A benefit recipient who exercises the retroactive option provided under this section is restored to membership effective on January 1, 2002. The restored member is responsible for repaying the retirement system for any retirement benefits received from the system after that date and for paying an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service for the period between January 1, 2002 and the date the employer again begins to report that person as an active member of the retirement system. The restored member is also responsible for repaying the retirement system for any over earnings under Title 5, former section 17855 based on earnings between September 21, 2001 and January 1, 2002. Payment of the full actuarial cost of the additional creditable service must be made by a single direct payment or by annual direct payments as provided in Title 5, section 17701, subsection 4. Repayment of benefits received after January 1, 2002 and repayment of over earnings received between September 21, 2001 and January 1, 2002 must be by a single direct payment made within 60 days of the exercise of the option under this subsection. Repayment not completed by that date is subject to interest at the rate of regular interest as defined in Title 5, section 17001, subsection 31.

2. Prospective application of option. A benefit recipient who exercises the option provided under this section prospectively is restored to membership effective on the first day of the month following the month in which the option is exercised. The restored member is responsible for repaying the system for any over earnings under Title 5, former section 17855 based on earnings between September 21, 2001 and January 1, 2002. Repayment of over earnings received between September 21, 2001 and January 1, 2002 must be by a single direct payment made within 60 days of the exercise of the option under this subsection. Repayment not completed by that date is subject to interest at the regular interest rate as defined in Title 5, section 17001, subsection 31.

3. Exercise of option. A benefit recipient who exercises the option provided in this section to be restored to membership and who later retires under the retirement system is covered by the provisions of sections 1 to 5 of this Act and may not again be restored to membership.

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

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

Effective May 27, 2003.

CHAPTER 325

H.P. 1146 - L.D. 1564

An Act Regarding School Bus Contracts

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

Whereas, this Act must take effect before the expiration of the 90-day period in order to permit contracts for transportation to be extended before the beginning of the next school year; 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. 20-A MRSA §5401, sub-§13, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. A contract may not exceed a period of 5 years, except that the commissioner may authorize a one-year extension of a 5-year contract when such an extension would be beneficial to a school administrative unit.

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

Effective May 27, 2003.
