

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
114TH LEGISLATURE  
FIRST REGULAR SESSION**



**BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
AGING, RETIREMENT AND VETERANS  
JULY 1989**

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Staff: John B. Knox, Legislative Analyst

Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR  
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STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 289-1670

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ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

|           |                                       |
|-----------|---------------------------------------|
| OTP       | Ought to Pass                         |
| OTP-ND    | Ought to Pass in New Draft            |
| OTP-ND-NT | Ought to Pass in New Draft, New Title |
| OTP-A     | Ought to Pass as Amended              |
| ONTP      | Ought Not to Pass                     |
| LVWD      | Leave to Withdraw                     |
| INDEF PP  | Indefinitely Postponed                |

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

SPONSOR(S)DELLERT  
CLARK N  
SMALLCOMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTEDH-106 TAMMARO  
H-93SUMMARY

This bill replaces the definition of teacher for the purpose of membership in the Maine State Retirement System. This change represents an attempt to follow the practices of the Department of Educational and Cultural Services, that is, the bill references certification and licensing since the department requires certification for persons employed in positions such as teachers, guidance counselors and librarians and requires that persons employed in positions such as nurses, social workers and psychologists hold appropriate licenses. In addition, any person who fills a position which the Department of Education determines to have as its principal function the introduction of new learning, such as an assistant teacher or an associate teacher would also be eligible to be a member of the retirement system as a "teacher." The bill requires that that employee must hold the required certification or license.

The positions of school dietitian and school secretary are included in the present definition of teacher, but are not included in the new definition. Persons employed in those positions on June 30, 1989, may continue membership as "teachers" provided they do not terminate.

Any former employee of a public school who was a teacher member before July 1, 1989, in a position not included in the new definition of teacher, may, if that person returns to employment in a position in the same classification as the position formerly held within 2 years, continue to be a teacher member. If that person returns to employment in a position included in the new definition of teacher, or as a state employee at any time, that person may retain teacher member service credits for the previous period of employment. If any such former employee should again become a member as a participating local district employee, rather than a teacher or state employee, the benefit for the 2 periods of service would be calculated separately; that is, 2 benefits would be calculated, based upon the years of service and the average final compensation attributable to each period of employment. If that person has withdrawn the contributions, they must be repaid in accordance with Title 5, section 17703 and applicable rules of the board of trustees and service credits will be granted in accordance with Title 5, section 17757 and applicable rules of the board of trustees.

Committee Amendment "A" changes the effective date of this emergency legislation to July 1, 1989. It adds an appropriation section from the General Fund to the teachers' retirement account to fund the requirements of the bill.

House Amendment "A" corrects a technical error.