



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1632

S.P. 542

In Senate, December 20, 2011

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### **An Act To Amend Provisions Limiting the Return to Work after Retirement by Teachers, School Employees and State Employees**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator HILL of York.

Cosponsored by Representative NELSON of Falmouth, Representative MARTIN of Eagle Lake and

Senator: KATZ of Kennebec, Representatives: BEAVERS of South Berwick, FREDETTE of Newport.

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

2 **Sec. 1. 5 MRSA §17859**, as amended by PL 2011, c. 420, Pt. L, §1, is further  
3 amended to read:

4 **§17859. Retiring and returning to work**

5 **1. Restoration to service.** Any ~~state employee or teacher~~ school administrator who  
6 has reached normal retirement age and who retires after September 1, 2011 may be  
7 restored to service for up to 5 years. The decision to hire a retired ~~state employee or~~  
8 ~~retired teacher~~ school administrator under this section is at the discretion of the  
9 appointing authority. The retired ~~state employee or retired teacher~~ school administrator  
10 must have had a bona fide termination of employment in accordance with state and  
11 federal laws and rules, may not return to employment after retirement with the same  
12 employer for at least 30 calendar days after the termination of employment and may not  
13 return to employment before the effective date of the person's retirement. For the  
14 purposes of this section, "school administrator" means a superintendent as defined in Title  
15 20-A, section 1, subsection 39 or a principal as defined in Title 20-A, section 1,  
16 subsection 21.

17 **2. Compensation and benefits.** The compensation and benefits of the retired ~~state~~  
18 ~~employee or retired teacher~~ school administrator who returns to service after retirement as  
19 set out in subsection 1 is governed by this subsection.

20 A. The compensation of the retired ~~state employee or retired teacher~~ school  
21 administrator who returns to service must be set at 75% of the compensation  
22 established for the position to be filled, at a step determined by the appointing  
23 authority.

24 B. The retired ~~state employee or retired teacher~~ school administrator who returns to  
25 service under this section is not a member and therefore may not accrue additional  
26 creditable service or change the retired ~~state employee's or retired teacher's~~ school  
27 administrator's earnable compensation for benefit calculation purposes.

28 C. During the period of reemployment, the retired ~~state employee or retired teacher~~  
29 school administrator is not entitled to health insurance, dental insurance or life  
30 insurance benefits. The retired ~~state employee or retired teacher~~ school administrator  
31 is entitled to all other benefits for the reemployment position under collective  
32 bargaining agreements or civil service laws and rules. Health insurance benefits must  
33 be provided under the provisions of ~~section 285, subsection 1-A for retired state~~  
34 ~~employees or~~ Title 20-A, section 13451 for retired ~~teachers~~ school administrators and  
35 life insurance benefits must be provided under the provisions of section 18055.

36 **3. Contributions to the Maine Public Employees Retirement System and state**  
37 **group health plan.** The portion of the employer contribution that goes to pay the  
38 retirement system for the unfunded liability and the state group health plan for retiree  
39 health care must be continued and based on the retired ~~state employee's or retired~~  
40 ~~teacher's~~ school administrator's compensation as provided under subsection 2 during the  
41 reemployment period.

