



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 39

H.P. 34

House of Representatives, January 17, 2013

An Act To Expand the Number of Qualified Educators

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOHNSON of Greenville.

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

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

4 **1. Restoration to service.** Any state employee ~~or teacher~~ who has reached normal
5 retirement age and who retires after September 1, 2011 may be restored to service for up
6 to 5 years. Any teacher who has reached normal retirement age and who retires after
7 September 1, 2011 may be restored to service in one-year contracts with the appointing
8 authority. The decision to hire a retired state employee or retired teacher under this
9 section is at the discretion of the appointing authority. The retired state employee or
10 retired teacher must have had a bona fide termination of employment in accordance with
11 state and federal laws and rules, may not return to employment after retirement with the
12 same employer for at least 30 calendar days after the termination of employment and may
13 not return to employment before the effective date of the person's retirement.

14 **Sec. 2. 5 MRSA §17859, sub-§2, ¶A**, as enacted by PL 2011, c. 380, Pt. MMM,
15 §1, is amended to read:

16 A. The compensation of the retired state employee ~~or retired teacher~~ who returns to
17 service must be set at 75% of the compensation established for the position to be
18 filled, at a step determined by the appointing authority.

19 **Sec. 3. 5 MRSA §17859, sub-§5**, as enacted by PL 2011, c. 380, Pt. MMM, §1, is
20 amended to read:

21 **5. Exclusion.** A retired state employee ~~or retired teacher~~ who is hired as a substitute
22 teacher is not subject to the restoration to service 5-year limitation in subsection 1 or the
23 compensation limitation in subsection 2, paragraph A.

24 **SUMMARY**

25 This bill changes the law regarding the restoration of retired teachers to service by
26 removing the provision that a retired teacher may be paid only 75% of the posted salary
27 for the position and replaces the provision that a retired teacher may be restored to service
28 for only up to 5 years with a provision that allows the retired teacher to be restored to
29 service through one-year contracts.