



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1949

H.P. 1393

House of Representatives, January 8, 2020

An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians

(EMERGENCY)

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

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CUDDY of Winterport.

Cosponsored by Representatives: CROCKETT of Portland, RILEY of Jay.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** a regulatory change in certification requirements for educational
4 technicians has made some educational technicians for the first time mandatory members
5 of the State Employee and Teacher Retirement Program; and

6 **Whereas,** the affected positions had been covered by the United States Social
7 Security Act or other retirement programs; and

8 **Whereas,** it was not the intent of the Legislature or the State Board of Education to
9 change retirement benefit coverage for the affected positions; and

10 **Whereas,** correcting this unintended consequence immediately is necessary to
11 prevent harm to employees in these positions who would benefit from continuing to be
12 covered by the United States Social Security Act or other retirement programs; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. 5 MRSA §17001, sub-§42, ¶A,** as amended by PL 2019, c. 460, §1, is
19 further amended to read:

20 A. Any employee of a public school or a school management and leadership center
21 established pursuant to Title 20-A, chapter 123 who fills any position that the
22 Department of Education requires be filled by a person who holds the appropriate
23 certification or license required for that position, other than an educational technician
24 position for which certification is not required under Title 20-A, section 13019-H,
25 and:

26 (1) Holds appropriate certification from the Department of Education, including
27 an employee whose duties include, in addition to those for which certification is
28 required, either the setup, maintenance or upgrading of a school computer system
29 the use of which is to assist in the introduction of new learning to students or
30 providing school faculty orientation and training related to use of the computer
31 system for educational purposes; or

32 (2) Holds an appropriate license issued to a professional employee by a licensing
33 agency of the State;

34 **Sec. 2. Retroactivity.** This Act applies retroactively to July 1, 2018.

35 **Emergency clause.** In view of the emergency cited in the preamble, this
36 legislation takes effect when approved.

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SUMMARY

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This bill provides an exception to mandatory membership in the State Employee and

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Teacher Retirement Program for employees filling certain educational technician

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positions who do not introduce new learning plans and supervise small groups of students

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in community-based programs and are therefore not required by statute to be certified.