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Date: (Filing No. H- )

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 34, L.D. 39, Bill, “An Act To Expand the Number of Qualified Educators”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'PART A**

**Sec. A-1. 5 MRSA §17859, sub-§1-A** is enacted to read:

1-A. Restoration to work of classroom-based employees. Effective August 1, 2014, a classroom-based employee who has reached normal retirement age and who retires after September 1, 2011 may be restored to service as a classroom-based employee with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;

B. Subject to the 5-year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or

C. In any combination of paragraphs A and B, as long as the total time the classroom-based employee is restored to service does not exceed 10 years with an individual school administrative unit.

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

**COMMITTEE AMENDMENT**

1 For purposes of this section, "classroom-based employee" means a teacher whose  
2 principal function is to introduce new learning to students in the classroom or to provide  
3 support in the classroom during the introduction of new learning to students.

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

6 A. The compensation of the retired state employee or retired teacher who returns to  
7 service must be set at 75% of the compensation established for the position to be  
8 filled, at a step determined by the appointing authority. The compensation of the  
9 retired classroom-based employee who returns to service as a classroom-based  
10 employee pursuant to subsection 1-A, paragraph A must be set at 100% of the  
11 compensation established for the position to be filled, at a step determined by the  
12 school administrative unit, for up to the maximum 5-year period that a classroom-  
13 based employee may contract with an individual school administrative unit.

## 14 PART B

15 **Sec. B-1. Working group.** The Commissioner of Administrative and Financial  
16 Services or the commissioner's designee shall convene a working group to review the  
17 impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted  
18 by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an  
19 employer, local school administrative units and the Maine Community College System  
20 and invite interested parties including the Maine Community College System, statewide  
21 associations representing teachers, school boards, principals, superintendents and state  
22 employees to participate in the review. The working group shall identify the number of  
23 state employees and teachers who have retired and returned to work pursuant to Title  
24 20-A, section 17859 as originally enacted; the financial impact of that provision including  
25 any savings to the State and local school administrative units; and any unintended or  
26 unforeseen consequences that have occurred as a result of that provision.

27 **Sec. B-2. Report.** No later than January 8, 2015, the Commissioner of  
28 Administrative and Financial Services shall report to the joint standing committee of the  
29 Legislature having jurisdiction over appropriations and financial affairs and the joint  
30 standing committee of the Legislature having jurisdiction over education and cultural  
31 affairs the working group's findings and recommendations, as required by this Part,  
32 including any implementing legislation. The joint standing committees are each  
33 authorized to report out a bill related to the subject matter of the report to the First  
34 Regular Session of the 127th Legislature following receipt of the report.'

## 35 SUMMARY

36 This amendment replaces the bill. It amends the law regarding the restoration of  
37 service for state employees and teachers by providing that, effective August 1, 2014,  
38 certain teachers, defined as "classroom-based employees," who have reached normal  
39 retirement age and who have retired after September 1, 2011 may be restored to service  
40 as classroom-based employees at 100% of the compensation established for the positions  
41 to be filled through one-year contracts.

1 A classroom-based employee may be employed by an individual school  
2 administrative unit for no more than 5 one-year contracts, which do not have to be  
3 consecutive. The 5-year limit is per school administrative unit.

4 Under this amendment, a retired classroom-based employee may return to service at  
5 the same school administrative unit for a maximum of 10 years: 5 years under one-year  
6 contracts at 100% of the compensation for that position and 5 years at 75% of the  
7 compensation for that position as specified in current law.

8 This amendment also establishes a working group to review the impact that the  
9 Maine Revised Statutes, Title 20-A, section 17859, as originally enacted in Public Law  
10 2011, chapter 380, Part MMM, section 1, has had on the State as an employer, local  
11 school administrative units and the Maine Community College System and to provide for  
12 a report to the joint standing committee of the Legislature having jurisdiction over  
13 appropriations and financial affairs and the joint standing committee of the Legislature  
14 having jurisdiction over education and cultural affairs describing the working group's  
15 findings and recommendations, including any implementing legislation, no later than  
16 January 8, 2015.