



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 522

S.P. 191

In Senate, February 26, 2015

**An Act To Clarify a Recently Enacted Law Designed To Expand the
Number of Qualified Educators**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative MAKER of Calais and
Senators: BRAKEY of Androscoggin, COLLINS of York, CYRWAY of Kennebec, DAVIS of
Piscataquis, Representatives: McCLELLAN of Raymond, SHORT of Pittsfield, TUELL of
East Machias, TURNER of Burlington.

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

2 **Sec. 1. 5 MRSA §17859, sub-§1-A**, as enacted by PL 2013, c. 486, Pt. A, §1, is
3 amended to read:

4 **1-A. Restoration to work of classroom-based employees.** Effective August 1,
5 2014, a classroom-based employee who has reached normal retirement age and who
6 retires after September 1, 2011 may be restored to service as a classroom-based employee
7 in a school in the unorganized territory or with a school administrative unit as defined in
8 Title 20-A, section 1, subsection 26:

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

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

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

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

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

26 **SUMMARY**

27 This bill clarifies that Public Law 2013, chapter 486, which amended the statute to
28 expand the number of qualified educators in the State, applies to classroom teachers and
29 classroom-based employees in the unorganized territory.