

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

H.P. 34 - L.D. 39

An Act To Expand the Number of Qualified Educators

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

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.

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

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

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

## **PART B**

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shall convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an employer, local school administrative units and the Maine Community College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number of state employees and teachers who have retired and returned to work pursuant to Title 20-A, section 17859 as originally enacted; the financial impact of that provision including any savings to the State and local school administrative units; and any unintended or unforeseen consequences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

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