

§17001. Definitions**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 801, §§5, 7 (NEW).]

1. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18) Accumulated contributions. "Accumulated contributions" means the sum of all the amounts contributed by the member or picked up by the employer from the compensation of a member and credited to the member's individual account in the Members' Contribution Fund, plus regular interest on the member's account, as provided in subchapter IV, article 2, except that, for a member with less than 10 years of creditable service, if the amounts contributed by the member or picked up by the employer do not equal 7.5% of the member's compensation for service as a part-time, seasonal or temporary employee for service rendered after December 31, 1991, "accumulated contributions" includes as much of the employer's contribution in the Retirement Allowance Fund as is needed to reach 7.5% of the member's compensation for service as a part-time, seasonal or temporary employee. [PL 1991, c. 619, §1 (AMD); PL 1991, c. 619, §18 (AFF).]

1. (TEXT EFFECTIVE ON CONTINGENCY: See PL 1991, c. 619, §18) Accumulated contributions. "Accumulated contributions" means the sum of all the amounts contributed by the member or picked up by the employer from the compensation of a member and credited to the member's individual account in the Members' Contribution Fund, plus regular interest on the member's account, as provided in subchapter IV, article 2. [PL 1987, c. 739, §§1, 48 (AMD).]

2. Actuarial equivalent. "Actuarial equivalent" means an amount of equal value when computed at the discount rate contained in actuarial assumptions adopted by the board. "Actuarial equivalent," when used to indicate the amount that must be paid in order to purchase service credit, means the amount that equals the cost of additional benefits that become payable as a result of the service credit, including, when applicable, the projected cost of a member's earlier eligibility for retirement. [PL 2021, c. 548, §6 (AMD).]

3. Actuary. "Actuary" means the individual or the organization designated by the board to be the technical advisor to the board under section 17107. [PL 1985, c. 801, §§5, 7 (NEW).]

3-A. Annual base compensation. "Annual base compensation" means a member's gross compensation, based upon amounts reported by the member's employer on the member's previous year's federal wage and tax statement, that is used the first day of each April for setting the amount of coverage prior to retirement for participants in the group life insurance program administered by the board. [PL 1993, c. 386, §1 (AMD).]

3-B. Alternate payee. "Alternate payee" means a spouse, former spouse, child or other dependent of a member or retiree who is recognized by a domestic relations order as having a right to receive all or a portion of the benefits payable by the retirement system with respect to that member or retiree. [PL 1991, c. 746, §3 (NEW); PL 1991, c. 746, §10 (AFF).]

4. Average final compensation. "Average final compensation" means:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff or other time off without pay as a result of a Governor's Executive Order, time off without pay or loss of pay pursuant to the agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the Executive Department and the American Federation of State, County and Municipal

Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department and the Maine State Employees Association, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, or, if a member elects to make the payments as set forth in section 17704-B, as a result of days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay as authorized by legislative action, by the State Court Administrator or from executive order for the fiscal year beginning July 1, 2002, July 1, 2009, July 1, 2010, July 1, 2011 or July 1, 2012, or a combination thereof, or, if a member is subject to days off without pay, not to exceed 10 days in each fiscal year ending June 30, 1992 and June 30, 1993, as a result of actions taken by local school administrative units to offset school subsidy reductions, or, if a member is subject to days off without pay during the fiscal year beginning July 1, 2009 or July 1, 2010, as a result of actions taken by a local school administrative unit and the member elects to make the payments as set forth in section 17704-B or, notwithstanding section 18202, as a result of actions of a participating local district to offset reductions in municipal revenue sharing or a combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, or, if a member of a local school administrative unit is subject to loss of compensation from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to the novel coronavirus disease referred to as COVID-19 and the member elects to make the payments as set forth in section 17704-B, or, if a member is subject to days off without pay during the fiscal year beginning July 1, 2009 or July 1, 2010, as a result of actions of a participating local district and the member elects to make the payments as set forth in section 18305-C, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay or provided days off without pay; or [PL 2021, c. 225, §1 (AMD).]

B. The average annualized rate of earnable compensation of a member during the member's entire period of creditable service if that period is less than 3 years. [RR 2023, c. 2, Pt. B, §92 (COR).] [RR 2023, c. 2, Pt. B, §92 (COR).]

5. Beneficiary. "Beneficiary" means a person or persons designated by a member to receive a benefit under this Part or a person otherwise entitled to receive a benefit under this Part. [PL 1985, c. 801, §§5, 7 (NEW).]

6. Benefit. "Benefit" means any payment made, or required to be made, to a beneficiary under chapter 423, subchapter V or chapter 425, subchapter V. [PL 1985, c. 801, §§5, 7 (NEW).]

7. Board. "Board" means the board of trustees, established under section 12004-F, subsection 9, to administer the Maine Public Employees Retirement System. [PL 1989, c. 503, Pt. B, §32 (AMD); PL 2007, c. 58, §3 (REV).]

8. Child. "Child" means any natural or legally adopted, born or unborn, progeny of a member. [PL 1985, c. 801, §§5, 7 (NEW).]

9. Consumer Price Index. "Consumer Price Index" means:

A. The Consumer Price Index for All Urban Consumers, CPI-U, as compiled by the Bureau of Labor Statistics, United States Department of Labor; or [PL 2001, c. 181, §3 (AMD).]

B. If the index described in paragraph A is revised or superseded, the board must employ the Consumer Price Index compiled by the Bureau of Labor Statistics, United States Department of Labor that the board finds to be most reflective of changes in the purchasing power of the dollar for the broadest population of consumers, including retired consumers. [PL 2001, c. 181, §3 (AMD).]

[PL 2001, c. 181, §3 (AMD).]

10. Creditable service. "Creditable service" means a person's membership service, the person's prior service and service for which credit is allowable under sections 17755 and 17756; section 17760, subsection 3; section 18258; sections 18355 and 18356; and section 18360, subsection 2.

[PL 2003, c. 693, §1 (AMD).]

11. Department. "Department" means any department, commission, institution or agency of State Government including the Maine Community College System.

[PL 1989, c. 443, §16 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

12. Dependent child. "Dependent child" means:

A. Any unmarried, natural or legally adopted, born or unborn, member's progeny, who is:

(1) Under 18 years of age; or

(2) Under 22 years of age and a full-time student; or [PL 1985, c. 801, §§5, 7 (NEW).]

B. Regardless of age or marital status, any other progeny certified by an independent health care provider or the medical review service provider to be permanently mentally incompetent or permanently physically incapacitated and determined by the chief executive officer to be unable to engage in any substantially gainful employment. [PL 2021, c. 277, §11 (AMD); PL 2021, c. 548, §45 (REV).]

[PL 2021, c. 277, §11 (AMD); PL 2021, c. 548, §45 (REV).]

12-A. Domestic relations order. "Domestic relations order" means a judgment, decree or order, including approval of a property settlement agreement, that:

A. Relates to the provision of child support, alimony payments or marital property rights to a spouse, former spouse, child or other dependent of a member or retiree; and [PL 1991, c. 746, §4 (NEW); PL 1991, c. 746, §10 (AFF).]

B. Is made pursuant to a domestic relations law of this State or another state. [PL 1991, c. 746, §4 (NEW); PL 1991, c. 746, §10 (AFF).]

[PL 1991, c. 746, §4 (NEW); PL 1991, c. 746, §10 (AFF).]

13. Earnable compensation. "Earnable compensation" means salaries and wages paid for services rendered in an employment position, subject to the following inclusions, exclusions and limitations.

A. "Earnable compensation" includes:

(1) Workers' compensation benefits;

(2) Maintenance, if any;

(3) Any money paid by an employer to a 3rd party under a tax sheltered annuity contract or a deferred compensation plan for the future benefit of an employee provided that the money is not derived from amounts excluded from earnable compensation by paragraph B; and

(4) Pick-up contributions. [PL 1989, c. 800 (AMD).]

B. For members other than members of the Participating Local District Retirement Program under chapters 425 and 427, "earnable compensation" does not include:

(1) For any member who has 10 years of creditable service by July 1, 1993 or who has reached 60 years of age and has been in service for a minimum of one year immediately before that date, payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both and, effective October 1, 1999, whether or not the member is in service on October 1,

1999, the 30-day limitation may not be decreased and the exclusion set out in subparagraph (2) may not be made applicable to such a member;

(2) For any member who is not covered by subparagraph (1), payment for any unused accumulated or accrued sick leave or payment for any unused vacation leave; or

(3) Any other payment that is not compensation for actual services rendered or that is not paid at the time the actual services are rendered.

A payment for unused sick leave or unused vacation leave may not be included as part of earnable compensation unless it is paid upon the member's last termination before the member applies for retirement benefits. [PL 2017, c. 392, §1 (AMD).]

B-1. "Earnable compensation" does not include any exclusion in the plan provisions adopted by rule pursuant to section 18801. [PL 2017, c. 392, §2 (NEW).]

C. The following provisions govern limitations on earnable compensation.

(1) Notwithstanding the other provisions of this subsection, except as provided in subparagraph (3), for the purposes of determining average final compensation, "earnable compensation" does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation, unless the cost of the additional actuarial liability arising from the excess increase is paid by the employer as provided in section 17154. Any payment made under paragraph B, subparagraph (1) must be included in determining the amount of increase in the year in which the payment is made. This subparagraph does not apply to excess increases resulting from compensation paid prior to July 1, 1993, from compensation paid in accordance with an individual employment contract executed prior to July 1, 1993 or a collective bargaining agreement executed or ratified in its final form by final vote of one party to the agreement prior to July 1, 1993 for the initial term of that contract or agreement or from other action by the governing body of a school administrative unit in effect on July 1, 1993. This subparagraph does not apply to increases in compensation of state employees during fiscal year 1993-94 and fiscal year 1994-95. In all circumstances in which this subparagraph does not apply to earnable compensation of state employees and teachers, the provisions of this subparagraph that were in effect prior to June 30, 1993 apply. This subparagraph does not apply to earnable compensation of employees of participating local districts.

(2) Effective October 1, 1999, the 5% limitation and the 10% limitation on increases in earnable compensation set out in subparagraph (1) may not be changed to a lower percentage for members who, on October 1, 1999 or thereafter, meet the creditable service requirement for eligibility to receive a service retirement benefit, at the applicable age if so required, under section 17851 or section 17851-A, subsection 2.

(3) Collectively bargained salary or wage increases pursuant to Title 26, chapter 9-A, 9-B or 12 or job promotion may not be considered in calculating salary or wage increases for the purposes of subparagraph (1). [PL 2019, c. 395, §1 (AMD).]

D. For a teacher who is eligible for participation in the State Employee and Teacher Retirement Program who is on a leave of absence while serving as President of the Maine Education Association, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position. [PL 2007, c. 491, §61 (AMD).]

E. **(TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18)** "Earnable compensation" of a part-time, seasonal or temporary employee is the sum of amounts computed under paragraphs A, B, C and D adjusted to reflect the wages or salary that the member would have been paid if the member had been employed, at the member's rate of pay, for the number of days

or hours that a permanent full-time employee of the same employer would have been employed. [PL 1991, c. 619, §2 (NEW); PL 1991, c. 619, §18 (AFF).]

E. (TEXT REPEALED ON CONTINGENCY: See PL 1991, c. 619, §18) [PL 1991, c. 619, §18 (RP).]

F. For a teacher who, as provided by subsection 42, serves as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit, "earnable compensation" includes compensation paid for the released time, except that the amount of that compensation included in "earnable compensation" may not be more than the compensation that the teacher would have been paid had the teacher remained that same amount of time in the teacher's teaching position. [PL 1993, c. 482, §1 (NEW).]

[PL 2019, c. 395, §1 (AMD).]

14. Employee. "Employee" means:

A. For purposes of this chapter, a state employee, including any person serving during any probationary period required under the Civil Service Law and rules of the Civil Service Appeals Board, a teacher or a participating local district employee; [PL 1987, c. 402, Pt. A, §§64, 65 (AMD).]

B. For purposes of chapter 423, a state employee, including any person serving during any probationary period required under the Civil Service Law and rules of the Civil Service Appeals Board, or a teacher; or [PL 1987, c. 402, Pt. A, §§64, 65 (AMD).]

C. For purposes of chapter 425, a participating local district employee. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1987, c. 402, Pt. A, §§64, 65 (AMD).]

15. Executive body. "Executive body" means the official or body of officials who, in their official capacity, have the general powers and duties of administering, supervising and managing the affairs of an organization or governmental unit.

[PL 1985, c. 801, §§5, 7 (NEW).]

16. Chief executive officer. "Chief executive officer" means the Chief Executive Officer of the Maine Public Employees Retirement System.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2007, c. 58, §3 (REV); PL 2021, c. 548, §45 (REV).]

17. Father. "Father" means a natural or adoptive father or stepfather.

[PL 1985, c. 801, §§5, 7 (NEW).]

18. Full-time student. "Full-time student" means a person who meets the requirements for a full-time student set out in rules adopted by the board.

[PL 1985, c. 801, §§5, 7 (NEW).]

18-A. Internal Revenue Code. "Internal Revenue Code" or "Code" means the United States Internal Revenue Code of 1986, as amended.

[PL 2009, c. 474, §11 (NEW).]

18-B. Health care provider. "Health care provider" means an appropriately licensed, certified or registered provider of mental or physical health care, in either the public or private sector.

[PL 2021, c. 277, §12 (NEW).]

19. Local district. "Local district" means:

A. Any county, municipality, quasi-municipal corporation or incorporated instrumentality of the State or of one or more of its political subdivisions; [PL 1985, c. 801, §§5, 7 (NEW).]

B. Any incorporated association of employees of the State or employees of any of the entities set out in paragraph A; [PL 1985, c. 801, §§5, 7 (NEW).]

C. Any incorporated association of any of the entities set out in paragraph A; [PL 1985, c. 801, §§5, 7 (NEW).]

D. Any entity eligible to become a participating local district before January 1, 1976; [PL 1985, c. 801, §§5, 7 (NEW).]

E. Any entity participating in the retirement system before January 1, 1976; [PL 2011, c. 657, Pt. I, §1 (AMD).]

F. Any educational institution in the State teaching courses equivalent to or higher than secondary institutions; or [PL 2011, c. 657, Pt. I, §1 (AMD).]

G. Any public charter school, as authorized by Title 20-A, chapter 112. [PL 2011, c. 657, Pt. I, §2 (NEW).]

[PL 2011, c. 657, Pt. I, §§1, 2 (AMD).]

19-A. Medical provider.

[PL 2021, c. 277, §13 (RP).]

19-B. Medical review service provider. "Medical review service provider" means an entity with whom the chief executive officer has contracted for the review of medical records and the provision of recommendations, opinions and certifications under this Part by health care providers employed by the entity.

[PL 2021, c. 277, §14 (NEW); PL 2021, c. 548, §45 (REV).]

20. Member. "Member" means any person included in the membership of a retirement program of the retirement system, as provided in chapter 423, subchapter 2, or chapter 425, subchapter 2.

[PL 2007, c. 491, §62 (AMD).]

21. Membership service. "Membership service" means service rendered while a member of a retirement program of the retirement system on account of which contributions are made and for which credit is allowable under chapter 423, subchapter 4 or chapter 425, subchapter 4.

[PL 2007, c. 491, §63 (AMD).]

22. Mother. "Mother" means a natural or adoptive mother or a stepmother.

[PL 1985, c. 801, §§5, 7 (NEW).]

23. Normal retirement age. "Normal retirement age" means the specified age, the years of service requirement or any combination of age and years of service requirements at which a member becomes eligible for retirement benefits and at which those benefits may not be reduced under section 17852, subsection 3 or 3-A; section 17852, subsection 10, paragraph C; and section 18452, subsection 3.

[PL 2001, c. 118, §1 (AMD).]

24. Organization. "Organization" means a corporation, partnership or unincorporated association.

[PL 1985, c. 801, §§5, 7 (NEW).]

25. Out-of-state service. "Out-of-state service" means service rendered as an employee of:

A. Any state, territory or possession of the United States, except Maine; or [PL 1985, c. 801, §§5, 7 (NEW).]

B. Any political subdivision of any state, territory or possession of the United States, except Maine.

[PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1985, c. 801, §§5, 7 (NEW).]

26. Parent. "Parent" means mother or father.

[PL 1985, c. 801, §§5, 7 (NEW).]

26-A. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18) Part-time, seasonal or temporary employee. "Part-time, seasonal or temporary employee" means an employee whose employment position is part-time, seasonal or temporary as defined in 26 CFR Part 31. [PL 1991, c. 619, §3 (NEW); PL 1991, c. 619, §18 (AFF).]

26-A. (TEXT REPEALED ON CONTINGENCY: See PL 1991, c. 619, §18) Part-time, seasonal or temporary employee. [PL 1991, c. 619, §18 (RP).]

27. Participating local district. "Participating local district" means a local district that has approved the participation of its employees in the Participating Local District Retirement Program of the retirement system under section 18201. [PL 2007, c. 491, §64 (AMD).]

28. Participating local district employee. "Participating local district employee" means an employee of a participating local district. [PL 1985, c. 801, §§5, 7 (NEW).]

28-A. Pick-up contributions. "Pick-up contributions" means member contributions to the retirement system which are assumed and paid by the employer through a reduction of members' salaries for services rendered, in accordance with the United States Internal Revenue Code, Section 414(h), in lieu of employee contributions. [PL 1987, c. 739, §§3, 48 (NEW).]

29. Prior service. "Prior service" means service rendered before the date of establishment of the retirement system as set forth in section 17101. [PL 1985, c. 801, §§5, 7 (NEW).]

29-A. Professional employee. "Professional employee" means any employee engaged in work:

A. Predominantly intellectual and varied in character as opposed to routine mental, manual or mechanical work; [PL 1989, c. 550, §1 (NEW).]

B. Involving the consistent exercise of discretion and judgment; [PL 1989, c. 550, §1 (NEW).]

C. Of such a character that the product or result of the work cannot be standardized in relation to a given time period; and [PL 1989, c. 550, §1 (NEW).]

D. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes. [PL 1989, c. 550, §1 (NEW).]

[PL 1989, c. 550, §1 (NEW).]

30. Public school. "Public school" is defined as follows.

A. "Public school" includes:

(1) Any public school conducted within the State under the authority and supervision of a duly elected board of education, superintending school committee or school directors; and

(2) Any school which received any direct state aid in 1950 and municipal tuition funds amounting to at least the amount of that state aid during 1950. [PL 1985, c. 801, §§5, 7 (NEW).]

B. "Public school" does not include:

(1) Maine Wesleyan Seminary and College, commonly known as Kents Hill School, as of September 23, 1971;

- (2) Bridgton Academy, as of September 1, 1979;
- (3) Gould Academy, as of September 1, 1979;
- (4) North Yarmouth Academy, as of September 1, 1979; and
- (5) Public charter schools, as authorized by Title 20-A, chapter 112. [PL 2011, c. 657, Pt. I, §3 (AMD).]

[PL 2011, c. 657, Pt. I, §3 (AMD).]

30-A. Qualified domestic relations order. "Qualified domestic relations order" means a domestic relations order that:

- A. Creates or recognizes the right of an alternate payee, or assigns to an alternate payee the right, to receive all or a portion of the benefits payable with respect to a member or retiree under any of the programs of the Maine Public Employees Retirement System; [PL 2007, c. 491, §65 (AMD).]
- B. Directs the retirement system to disburse benefits to the alternate payee; and [PL 1991, c. 746, §5 (NEW); PL 1991, c. 746, §10 (AFF).]
- C. Meets the requirements of section 17059. [PL 1991, c. 746, §5 (NEW); PL 1991, c. 746, §10 (AFF).]

[PL 2007, c. 491, §65 (AMD).]

31. Regular interest. "Regular interest" means interest at the rate set from time to time by the board in accordance with section 17156.

[PL 1985, c. 801, §§5, 7 (NEW).]

32. Restoration to service. "Restoration to service" is defined as follows.

A. For a retired state employee or teacher, "restoration to service" means acceptance of employment as either a state employee or a teacher. [PL 1985, c. 801, §§5, 7 (NEW).]

B. For a retired participating local district employee:

(1) Except as provided in subparagraph (2), "restoration to service" means acceptance of employment with the participating local district from which the employee retired; and

(2) After the date on which the consolidated plan under chapter 427 goes into operation, for a participating local district employee who retires from a participating local district that at the time of the employee's retirement is in the consolidated plan, "restoration to service" means acceptance of employment with the participating local district from which the employee retired or with any other participating local district that is in the consolidated plan at the time the employee accepts employment. [PL 1995, c. 274, §2 (AMD).]

C. "Restoration to service" does not include election to the Legislature. [PL 1985, c. 801, §§5, 7 (NEW).]

[PL 1995, c. 274, §2 (AMD).]

33. Retirement. "Retirement" means termination of membership with a retirement allowance granted under this chapter.

[PL 1985, c. 801, §§5, 7 (NEW).]

34. Retirement allowance. "Retirement allowance" means the retirement payments to which a member is or may be entitled as provided in this Part.

[PL 1985, c. 801, §§5, 7 (NEW).]

35. Retirement benefit. "Retirement benefit" means the same as retirement allowance.

[PL 1985, c. 801, §§5, 7 (NEW).]

36. Retirement system. "Retirement system" means the Maine Public Employees Retirement System.

[PL 1985, c. 801, §§5, 7 (NEW); PL 2007, c. 58, §3 (REV).]

37. Service. "Service" means service as an employee for which compensation was paid.
[PL 1985, c. 801, §§5, 7 (NEW).]

38. Service credit. "Service credit" means credit received for creditable service as defined under subsection 10.

[PL 1985, c. 801, §§5, 7 (NEW).]

39. Spouse. "Spouse" means the person currently legally married to a member.
[PL 1985, c. 801, §§5, 7 (NEW).]

40. State employee. "State employee" means any regular classified or unclassified officer or employee in a department, any employee of the Maine Community College System except those who make the election provided under Title 20-A, section 12722, any employee of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf except as provided in Title 20-A, section 7407, subsection 3-A, any employee of the Maine Military Authority, any employee of the Northern New England Passenger Rail Authority, any employee of the Maine Port Authority, any employee of the Efficiency Maine Trust who on June 30, 2009 is an employee of the Public Utilities Commission energy efficiency or renewable energy programs who elects to remain a state employee, any employee of the Efficiency Maine Trust who accepts employment with the Efficiency Maine Trust prior to July 1, 2010 who was a state employee immediately prior to accepting such employment who elects to remain a state employee and any employee transferred from the Division of Higher Education Services to the Finance Authority of Maine who elects to be treated as a state employee, but does not include:

A. A judge, as defined in Title 4, section 1201 or 1301, who is now or later may be entitled to retirement benefits under Title 4, chapter 27 or 29; [PL 2003, c. 688, Pt. A, §4 (RPR).]

B. A member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195; or [PL 2003, c. 688, Pt. A, §4 (RPR).]

C. A Legislator who is now or later may be entitled to retirement benefits under Title 3, chapter 29. [PL 2003, c. 688, Pt. A, §4 (RPR).]

[PL 2009, c. 372, Pt. C, §1 (AMD).]

41. Surviving spouse. "Surviving spouse" means the spouse alive at the time of the death of the member or former member.

[PL 1985, c. 801, §§5, 7 (NEW).]

42. Teacher. "Teacher" means:

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

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

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State; [PL 2021, c. 548, §7 (AMD).]

B. Any employee of a public school or an education service center established pursuant to Title 20-A, chapter 123 who fills any position not included in paragraph A, the principal function of

which is to introduce new learning to students, except that a coach who is employed by a public school and who is not otherwise covered by the definition of teacher in this subsection or an employee who is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1 and who is not otherwise covered by the definition of teacher in this subsection may not be considered a teacher for purposes of this Part; [PL 2021, c. 548, §7 (AMD).]

C. Any employee of a public school on June 30, 1989, in a position not included in paragraph A or B that was included in the definition of teacher in effect on June 30, 1989, as long as:

- (1) The employee does not terminate employment; or
- (2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination.

Regardless of any subsequent employment history, any employee of a public school in a position that was included in the definition of teacher in effect on June 30, 1989, is entitled to creditable service as a teacher for all service in that position on or before that date; [PL 2021, c. 548, §7 (AMD).]

D. Any employee of a public school or an education service center established pursuant to Title 20-A, chapter 123 in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher on August 1, 1988, as long as:

- (1) The employee does not terminate employment; or
- (2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination; [PL 2021, c. 548, §7 (AMD).]

E. Any former employee of a public school or an education service center established pursuant to Title 20-A, chapter 123 in a position not included in paragraph A, B or C who was a member of the State Employee and Teacher Retirement Program of the retirement system as a teacher before August 1, 1988, as long as the former employee returns to employment in a position in the same classification before July 1, 1991; or [PL 2021, c. 548, §7 (AMD).]

F. For service before July 1, 1989, any employee of a public school in a position that was included in the definition of teacher before July 1, 1989. [PL 2021, c. 548, §7 (AMD).]

"Teacher" includes a person who is on a one-year leave of absence from a position as a teacher and is participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State.

"Teacher" also includes a person who is on a leave of absence from a position as a teacher and is duly elected as President of the Maine Education Association.

"Teacher" also includes a person who, subsequent to July 1, 1981, has served as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit and for whom contributions related to the portion of the person's salary attributable to the released time have been paid as part of the regular payroll of the school administrative unit.

[PL 2021, c. 548, §7 (AMD).]

43. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18) 26 CFR Part 31. "26 CFR Part 31" means 26 Code of Federal Regulations, Part 31, as amended effective July 1, 1991, or as hereafter amended.

[PL 1991, c. 619, §4 (NEW); PL 1991, c. 619, §18 (AFF).]

43. (TEXT REPEALED ON CONTINGENCY: See PL 1991, c. 619, §18) 26 CFR Part 31.

[PL 1991, c. 619, §18 (RP).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1985, c. 808, §§1,2 (AMD). PL 1987, c. 256, §§1-3 (AMD). PL 1987, c. 402, §A63 (RP). PL 1987, c. 402, §§A64,A65 (AMD). PL 1987, c. 443, §1 (RP). PL 1987, c. 739, §§1-3,48 (AMD). PL 1989, c. 443, §§16,17 (AMD). PL 1989, c. 491, §1 (AMD). PL 1989, c. 503, §B32 (AMD). PL 1989, c. 550, §§1,2 (AMD). PL 1989, c. 698, §3 (AMD). PL 1989, c. 700, §A24 (AMD). PL 1989, c. 710, §1 (AMD). PL 1989, c. 800 (AMD). PL 1989, c. 878, §D4 (AMD). PL 1991, c. 121, §A1 (AMD). PL 1991, c. 360, §§1,2 (AMD). PL 1991, c. 432 (AMD). PL 1991, c. 480, §1 (AMD). PL 1991, c. 528, §§EEE3,4 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§EEE3,4 (AMD). PL 1991, c. 616 (AMD). PL 1991, c. 618, §2 (AMD). PL 1991, c. 618, §7 (AFF). PL 1991, c. 619, §§1-4 (AMD). PL 1991, c. 619, §18 (AFF). PL 1991, c. 622, §DD1 (AMD). PL 1991, c. 746, §§3-5 (AMD). PL 1991, c. 746, §10 (AFF). PL 1991, c. 780, §FF1 (AMD). PL 1991, c. 824, §A6 (AMD). P&SL 1993, c. 67, §1 (AMD). PL 1993, c. 250, §1 (AMD). PL 1993, c. 386, §1 (AMD). PL 1993, c. 387, §A3 (AMD). PL 1993, c. 410, §§L12,13,RR1 (AMD). PL 1993, c. 482, §§1,2 (AMD). PL 1993, c. 580, §1 (AMD). PL 1993, c. 580, §3 (AFF). PL 1993, c. 595, §3 (AMD). PL 1993, c. 595, §16 (AFF). PL 1995, c. 274, §§1,2 (AMD). PL 1995, c. 462, §A13 (AMD). PL 1995, c. 471, §1 (AMD). PL 1997, c. 355, §1 (AMD). PL 1997, c. 763, §2 (AMD). PL 1997, c. 763, §7 (AFF). PL 1999, c. 152, §E3 (AMD). PL 1999, c. 489, §§1,2 (AMD). PL 1999, c. 731, §CC1 (AMD). PL 2001, c. 118, §1 (AMD). PL 2001, c. 181, §3 (AMD). PL 2001, c. 239, §2 (AMD). PL 2001, c. 239, §5 (AFF). PL 2001, c. 374, §4 (AMD). PL 2001, c. 699, §1 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 486, §3 (AMD). PL 2003, c. 688, §A4 (AMD). PL 2003, c. 693, §1 (AMD). PL 2005, c. 279, §3 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 134, §3 (AMD). PL 2007, c. 491, §§61-67 (AMD). PL 2009, c. 213, Pt. SSS, §1 (AMD). PL 2009, c. 274, §1 (AMD). PL 2009, c. 372, Pt. C, §1 (AMD). PL 2009, c. 474, §11 (AMD). PL 2009, c. 571, Pt. RRR, §1 (AMD). PL 2009, c. 630, §1 (AMD). PL 2011, c. 657, Pt. I, §§1-3 (AMD). PL 2015, c. 385, §2 (AMD). PL 2017, c. 88, §8 (AMD). PL 2017, c. 392, §§1, 2 (AMD). PL 2019, c. 395, §1 (AMD). PL 2019, c. 460, §1 (AMD). PL 2021, c. 6, §1 (AMD). PL 2021, c. 225, §1 (AMD). PL 2021, c. 277, §§11-14 (AMD). PL 2021, c. 548, §§6, 7 (AMD). PL 2021, c. 548, §45 (REV). RR 2023, c. 2, Pt. B, §92 (COR).

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