

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 53**

H. P. 42

House of Representatives, January 10, 1979

Referred to the Committee on Aging, Retirement and Veterans. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Leonard of Woolwich.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Limit Disability Retirement Payments to Persons Restored to Service  
under the State Retirement System.**

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

**5 MRSA § 1123, 1st sentence**, as amended by PL 1969, c. 206, is further amended to read:

Should a disability beneficiary be restored to service and should his annual earnable compensation then or at any time thereafter be equal to or greater than ~~his average final compensation at retirement~~ **the difference between the average final compensation at retirement, subject to such percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1128 and the annual disability retirement allowance, the disability retirement allowance during the following year shall be reduced by the amount of the excess. If the excess exceeds his annual disability retirement allowance,** his retirement allowance shall cease, the beneficiary shall again become a member of the retirement system, and he shall contribute thereafter at the same rate he paid prior to his retirement, except that any person who is drawing a retirement allowance under any provision of this chapter and who subsequently becomes an employee of the Legislature or elected to the Legislature shall be exempted from all limitations on earnings and shall be permitted to continue to be a recipient of a retirement allowance regardless of the amount earned while in such legislative

employ, further any such person may be entitled to accept the applicable amount of group life insurance for the duration of such legislative service or employment, but which shall not carry forward beyond the completion of said term of office.

#### STATEMENT OF FACT

This bill is intended to place recipients of disability retirement benefits under the same earnings limits, upon being restored to service by the same employer, as other retirees being reemployed.