

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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**CHAPTER 450****AN ACT to Protect the State Retirement System from the Cost of Abnormal Disability Claims.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act amends a section of P.L. 1975, chapter 622, which will become effective July 1, 1977; and

Whereas, this Act should also become effective July 1, 1977; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 5 MRSA § 1122, sub-§ 1 1st sentence, as repealed and replaced by PL 1975, c. 622, § 54, is amended to read:

Any eligible member who, while in service and prior to attaining age 60 or reaching mandatory retirement age, without extensions, if earlier, has become mentally or physically incapacitated to such an extent that it is impossible for him to perform the duties of his employment position, may if such incapacity can be expected to be permanent, retire on a disability retirement allowance upon written application to the executive director and approval of the application by the executive director.

**Sec. 2.** 5 MRSA § 1122, sub-§ 1-A is enacted to read:

**1-A. Eligibility for disability.**

**A.** Members with less than 5 years of continuous creditable service immediately preceding their application for a disability allowance are not eligible for that disability retirement allowance if that disability is the result of a physical or mental condition which existed prior to the persons latest membership in the system, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty.

**B.** Any person who becomes a member of the system on or after July 1, 1977, shall submit a statement of his health to the executive director on forms prescribed by the executive director. If the executive director determines that additional information is necessary to determine the extent of any preexisting disability of the employee, the executive director may require that a medical examination or tests be submitted as evidence of that employee's health. Any such examination or tests shall be conducted at a place mutually agreed upon and the costs thereof shall be paid by the retirement system. This statement of health or examination or test result

shall only be utilized in determining eligibility for a disability retirement allowance pursuant to paragraph A. Any member subject to this paragraph who does not submit a statement of health as required, prior to his application for disability benefits in accordance with this section, will not be eligible for those benefits unless he establishes to the satisfaction of the executive director that he meets the qualifications of paragraph A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

Effective July 1, 1977

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## CHAPTER 451

**AN ACT to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education.**

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

32 MRSA § 3269, sub-§ 10, as enacted by PL 1975, c. 504, is amended by adding at the end the following new paragraph:

Notwithstanding any other provision of this subsection, if the board contracts with the Commissioner of Educational and Cultural Services to provide funds for the costs of any positions for which the State has contracted at the University of Vermont College of Medicine, or the Tufts University School of Medicine, the terms of the contract between the board and the commissioner shall be in accordance with the requirements of Title 20, chapter 304.

Effective October 24, 1977

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## CHAPTER 452

**AN ACT to Establish a Licensing Fee for Bow and Arrow Hunting in Combination with a Fishing License.**

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

12 MRSA §§ 2501 and 2502, as amended, are repealed and the following enacted in their place:

§ 2501. Seasons