

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Chapter 62.

Public Buildings. Building Committee of Eastern States Exposition.

Secs. 1-7. Repealed by Public Laws 1957, c. 340, § 3.

Cross reference.—See now c. 15-A and sections provided in § 12 thereof that notes thereto. See in particular §§ 24 to such act should be retroactive to July 1, 33 of such chapter. 1957.

Editor’s note.—The act repealing these

Building Committee of Eastern States Exposition.

Secs. 8, 9. Repealed by Public Laws 1955, c. 471, § 8.

Chapter 63.

Personnel Law.

Secs. 7-10. Repealed by Public Laws 1957, c. 152.

Sec. 11. Unclassified service.

VIII. Repealed by Public Laws 1961, c. 397, § 8.

IX. University of Maine, etc. Officers and employees of the University of Maine, of the several state teachers’ colleges and of the unorganized territory school system and the teachers and principals of the school systems in state vocational schools and state institutions.

X. Repealed by Public Laws 1961, c. 397, § 8.

XI. Repealed by Public Laws 1961, c. 397, § 8. (1961, c. 397, § 8. 1963, c. 140 ; c. 414, § 88.)

Effect of amendments.—The 1961 amendment repealed subsections VIII, X and XI.

IX and added all of that subsection following “school system.” The second 1963 amendment again deleted “normal schools and” in subsection IX.

The first 1963 amendment, which became effective on its approval, March 29, 1963, deleted “normal schools and” in subsection

As the rest of the section was not affected by the amendments, it is not set out.

Sec. 14-A. Definition of salary paid to minister of the gospel. — In the case of a minister of the gospel “salary” means the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of the state’s business, but including all of the following:

I. Rental value. The rental value of a home furnished to him.

II. Rental allowance. The rental allowance paid to him to rent or provide a home.

For the purposes of this section there is allocated from the salary or wage paid to a minister of the gospel an amount not exceeding \$1,800 as either of the following:

I. Rental value. The rental value of a home furnished to him.

II. Rental allowance. The rental allowance paid to him to rent or provide a home. (1963, c. 67.)

Sec. 17. Preference in state employment for veterans.

II. Ten-point preference is a term applying to veteran preference which entitles the holder to an addition of 10 points to earned qualifying ratings in examination. The classes of 10-point preference are as follows:

A. Disability preference applies to honorably discharged veterans who es-

establish by official records the present existence of a service-connected disability, and who are certified by the veterans administration to be disabled with a disability rating of more than 0%.

B. When veterans entitled to disability preference on the basis of service-connected disability cannot be directly benefited thereby because of being disqualified for appointment by reason of the physical disability on which the preference is based, 10-point preference may be granted to their wives instead. This constitutes "wife preference."

C. Ten-point preference is accorded to unmarried widows of deceased veterans who died while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities.

D. Ten-point preference is accorded to mothers, (who are widowed, divorced, separated, or whose husbands are permanently and totally disabled,) of veterans who died while in the active service of the armed forces during any war, or who died as a result of service-connected disabilities.

The term "veteran" as used in this section shall mean a person, male or female, who served in the active service of the United States' armed forces for a period of not less than 90 days during a period of war in which the United States has been, or is, engaged; and who has been discharged or released therefrom under honorable conditions. (1955, c. 195, §§ 1, 2)

III. Korean campaign, June 27, 1950, and before February 1, 1955. (1953, c. 174, 1955, c. 147, § 2)

Effect of amendments.—The first 1955 amendment substituted at the end of subsection III "and before February 1, 1955," for the words "until such time as the United States decrees hostilities to have ceased." The second 1955 amendment added paragraph D to subsection II and

inserted in the paragraph defining "veteran" in subsection II the words "for a period of not less than 90 days." As the rest of the section was not changed by the amendments only subsections II and III are set out.

Sec. 17-A. Reopen open competitive examinations.—Veterans with the present existence of a service-connected disability to a compensable degree, wives of disabled veterans who qualify for 10 points preference under paragraph B of subsection II of section 17, unmarried widows of deceased veterans who qualify for 10 points preference under paragraph C of subsection II of section 17 and mothers (who are widowed, divorced, separated or whose husbands are permanently and totally disabled) of veterans who died while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement. If no eligible register resulted from a published announcement, applicants as above qualified may file an application for and reopen an open competitive examination within 3 years of the closing date of the published announcement, provided in all instances that the applicant had not previously made application for the examination under conditions of the published announcement. In the event positions in the classified service are held other than by permanent or probationary employees, applicants as above qualified may file application for an examination to be announced and opened. Examinations shall be conducted for such applicants not later than the quarterly period succeeding that in which the application has been filed with the Maine state department of personnel. (1955, c. 192.)

Sec. 18. Discrimination.—In carrying out this chapter, no discrimination shall be made on account of political or religious opinions or affiliations or because of race or national origin, sex or marital status. (R. S. c. 59, § 13, 1963, c. 6.)

Effect of amendment.—The 1963 amendment deleted "the provisions of" and in-

serted "or because of race or national origin."

Sec. 28. Employees in armed forces.—Whenever any employee, regularly employed for a period of at least 6 months by the state or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district within the state, and who has attained permanent status in such employment, shall in time of war, contemplated war, emergency or limited emergency enlist, enroll, be called or ordered, or be drafted in the armed forces of the United States or any branch or unit thereof, or shall be regularly drafted under federal man power regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service.

Such employee while in the armed forces of the United States or still employed after draft under federal man power regulations shall be considered as on leave of absence without pay and, for the purpose of computing time in regard to pension rights and seniority, shall be considered during the period of his federal service as in the service of the governmental agency by which he was employed at the time of his entry into such federal service. Such employee shall be entitled to reemployment if he reports for duty within a 90-day period from the date of his separation under conditions other than dishonorable from the armed forces of the United States. In case such employee is receiving treatment in a hospital at the time of his separation as aforesaid, he shall report for duty within 90 days from his discharge from the hospital.

This section shall apply to any such employee entering the armed forces of the United States under Public Law 759, 80th Congress (Selective Service Act of 1948) or while said Public Law 759 or any amendment thereto or extension thereof shall be in effect.

Rights to reemployment, credits toward retirement under the state retirement system, and vacation or sick leave accumulation, shall not be allowed beyond the period of first enlistment or induction, but in no event beyond 4 years from the date of his original call to active duty in said armed forces of the United States except if his return to active duty in said armed forces or the extension of his period of service beyond 4 years is required by some mandatory provision and he shall present proof thereto satisfactory to the agency concerned. (R. S. c. 59, § 23. 1949, c. 91. 1951, c. 157, § 20. 1957, c. 25. 1963, c. 329, § 1.)

Effect of amendments.—The 1957 amendment added the last paragraph.

The 1963 amendment substituted "armed forces" for "military or naval service" in the first paragraph and in the first sentence of the second paragraph, deleted the exception at the end of the first paragraph

and the former second sentence of the second paragraph, relating to interim appointments of substitutes, added the present second sentence of the second paragraph, rewrote the last paragraph, and made other minor changes.

Chapter 63-A.

Maine State Retirement System.

Sec. 1. Definitions.—"Accumulated contributions" shall mean the sum of all the amounts credited to a member's individual account in the members' contribution fund, together with regular interest thereon, as provided in section 15.

"Actuarial equivalent" shall mean a benefit of equal value when computed at regular interest upon the basis of such mortality and service tables as the board of trustees shall adopt.

"Average final compensation" shall mean the average annual rate of earnable compensation of a member during the 5 years of creditable service as an employee in Maine, not necessarily consecutive, in which such average annual rate of earnable compensation is highest, or during his entire period of creditable service if such period is less than 5 years.