

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 186

S. P. 78

In Senate, January 15, 1963

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Boardman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Revising Laws Relating to Benefits for State Employees While in the Armed Forces.

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

Sec. 1. R. S., c. 63, § 28, amended. Section 28 of chapter 63 of the Revised Statutes, as amended by chapter 25 of the public laws of 1957, is further amended to read as follows:

'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 ~~military or naval service~~ **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 ~~but the duties of his said employment shall, if there is no other person authorized by law to perform the powers and duties of such employee during said period, be performed by a substitute who shall be appointed for the interim by the same authority who appointed such employee if such authority shall deem the employment of such substitute necessary.~~

Such employee while in the ~~military or naval service~~ **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. ~~Said interim appointments may be considered permanent if the employee granted the military leave fails to report for duty within a 90 day period from the date of his discharge from the military or naval forces of the United States, and provided further, that such discharge must have been effective not later than 6 months after the state of war ceases between the United States and every foreign government except in cases where a male or female veteran of World War II or the Korean Campaign was receiving treatment in a hospital at the time of his or her discharge, and except in cases where such veteran has not been returned from and discharged from foreign service, in which event his or her status shall be governed by section 2 of chapter 309 of the public laws of 1943~~ Such employee shall be entitled to reemployment if he reports for duty within a 90-day period from the date of his honorable discharge or separation from the armed forces of the United States. In case such employee is receiving treatment in a hospital at the time of his honorable discharge or separation he shall report for duty within 90 days from his discharge from the hospital.

~~The provision of this~~ This section shall apply to any such employee entering the armed forces of the United States under the provisions of 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.

~~No Rights to reemployment,~~ credits toward retirement under the State Retirement System, ~~nor~~ 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 unless the individual involved is required to remain in or return to military service beyond the first period of service under some mandatory provision.~~

Sec. 2. R. S., c. 63-A, § 3, sub-§ VI, amended. The 2nd sentence of subsection VI of section 3 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955, is amended to read as follows:

'No member who is otherwise entitled to military leave credits shall be deprived of this right if his return to covered employment is delayed beyond the 90 days after his honorable discharge **or separation** if the delay is caused by a military service incurred illness or disability.'

Sec. 3. R. S., c. 63-A, § 3, sub-§ VI, amended. The last sentence of subsection VI of section 3 of chapter 63-A of the Revised Statutes, as enacted by chapter 26 of the public laws of 1957, is amended to read as follows:

~~No such~~ Such credit shall ~~not~~ be allowed to count toward a state retirement benefit beyond the period of first enlistment or induction ~~into the,~~ **but in no event beyond 4 years from the date of his original call to active duty in said**

armed forces unless the individual involved is compelled to continue service under some mandatory provision 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.'