

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1357

H. P. 925

House of Representatives, March 2, 1967

Referred to Committee on Towns and Counties. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rocheleau of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries.

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

Sec. 1. P. & S. L., 1917, c. 201, Art. VI-A, § 4, sub-§ 3-A, additional. Section 4 of Article VI-A of chapter 201 of the private and special laws of 1917, as repealed and replaced by section 4 of chapter 151 of the private and special laws of 1953, is amended by adding a new subsection 3-A, to read as follows:

3-A. Any regular member of said police department who has completed 15 or more but less than 25 years of total service in said department, and who has become permanently disabled, mentally or physically, for further performance of duty in said department because of injury or disease or illness which was not incurred in the course of his employment or which was not connected with his service as a member of said department, shall be retired and his honorable discharge shall be given him by the city council upon receipts of a proper certificate from said pension commission, whereupon he shall automatically become eligible for pension benefits as computed in section 5-A of this Article. The procedure for determining permanent disability under the provisions of this subsection and for certification shall be the same as is set forth in subsection 3 of the section 4 of this Article. For the purpose of computing years of service under this subsection, service rendered prior to the enactment of this subsection shall also be counted.

Sec. 2. P. & S. L., 1917, c. 201, Art. VI-A, § 4, sub-§ 4, repealed and replaced. Subsection 4 of section 4 of Article VI-A of chapter 201 of the private and special laws of 1917, as repealed and replaced by section 4 of chapter 151 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

4. The death of an active member of said department whose death resulted from injury or sickness received in line of duty or who shall have served not less than 17 years shall entitle his beneficiaries, as hereinafter defined, to the pension benefits set forth in section 5 of this Article and subject to its provisions. The death of a retired member of said department shall entitle his said beneficiaries to pension benefits said member was receiving at the time of his death under sections 5 or 5-A of this Article, whichever applies, and subject to the provisions of whichever section applies.

Such pension benefits shall be paid to the widow of such deceased until she dies or so long as she remains a widow. Upon her death or in the event there is no widow, such pension benefits shall be divided among the minor children of the deceased pro rata and the pro rata share due each minor child shall be paid to the guardian of that child until the child shall reach the age of 18.

For the purpose of computing years of service under this subsection, service rendered prior to the enactment of this subsection, shall also be counted.

Sec. 3. P. & S. L., 1917, c. 201, Art. VI-A, § 5, amended. The last sentence of section 5 of Article VI-A of chapter 201 of the private and special laws of 1917, as amended by section 5 of chapter 151 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

When, as a result of disability set forth in subsection 3 of section 4 of this Article, or of death of a retired member receiving pension benefits under said subsection 3, or of the death of an active member in line of duty, such member or his beneficiaries received compensation payments therefor from any other source, other than insurance proceeds from policies paid out of their own funds, the amount paid to such member or his beneficiaries from said pension fund during the period when said compensation payments are being received shall be determined by subtracting the amount paid by said compensation payments from the amounts otherwise payable under this section.

Sec. 4. P. & S. L., 1917, c. 201, Art. VI-A, § 5-A, additional. Article VI-A of chapter 201 of the private and special laws of 1917, as amended, is further amended by adding a new section 5-A, to read as follows:

Sec. 5-A. Amount of pension; ordinary or nonservice-connected disability. The pension of any member of said department, who shall become entitled thereto under the provisions of subsection 3-A of section 4 of this Article, shall be equal to 1/50th of the annual pay he was receiving at the time of said permanent disability multiplied by the total number of years of service completed. For the purpose of computing the amount of pension to be paid, half and whole years as hereinafter defined shall be counted. Six months, but less than 9 months, shall be deemed a half year and 9 months or more through 12 months shall be deemed a full year.

All pension payments made under the provisions of this section shall be automatically increased or diminished in amount as increases or reductions in daily pay are allowed by the city council to the regular members of said department.

Sec. 5. P. & S. L., 1917, c. 201, Art. VI-A, § 6, amended. Section 6 of Article VI-A of chapter 201 of the private and special laws of 1917, as amended, is further amended by adding at the end, a new sentence, as follows:

In case of death of a member of the department under circumstances that entitle beneficiaries as defined in subsection 4 of section 4 of this Article, as amended, to pension benefits, no contributions paid in by such member shall be paid back.

Sec. 6. P. & S. L., 1917, c. 201, Art. VI-A, § 10, repealed and replaced. Section 10 of Article VI-A of chapter 201 of the private and special laws of 1917, as enacted by chapter 89 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

Sec. 10. Limitations. The provisions of this Article shall not apply to those members who now are or hereafter become members of the Maine State Retirement System.

Sec. 7. P. & S. L., 1917, c. 201, Art. VI-B, § 4, subsection 3-A, additional. Section 4 of Article VI-B of chapter 201 of the private and special laws of 1917, as repealed and replaced by section 6 of chapter 151 of the private and special laws of 1953, is amended by adding a new subsection 3-A, to read as follows:

3-A. Any regular member of said fire department who has completed 15 or more but less than 25 years of total service in said department, and who has become permanently disabled, mentally or physically, for further performance of duty in said department because of injury or disease or illness which was not incurred in the course of his employment or which was not connected with his service as a member of said department, shall be retired and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said pension commission whereupon he shall automatically become eligible for pension benefits as computed in section 5-A of this Article. The procedure for determining permanent disability under the provisions of this subsection and for certification shall be the same as is set forth in subsection 3 of the section 4 of this Article. For the purpose of computing years of service under this subsection, service rendered prior to the enactment of this subsection shall also be counted.

Sec. 8. P. & S. L., 1917, c. 201, Art. VI-B, § 4, sub-§ 4, repealed and replaced. Subsection 4 of section 4 of Article VI-B of chapter 201 of the private and special laws of 1917, as repealed and replaced by section 4 of chapter 151 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

4. The death of an active member of said department whose death resulted from injury or sickness received in line of duty or who shall have served not less than 17 years shall entitle his beneficiaries, as hereinafter defined, to the pension benefits set forth in section 5 of this Article and subject to its provisions. The death of a retired member of said department shall entitle his said beneficiaries to pension benefits said member was receiving at the time of his death under sections 5 or 5-A of this Article, whichever applies, and subject to the provisions of whichever section applies.

Such pension benefits shall be paid to the widow of such deceased until she dies or so long and she remains a widow. Upon her death or in the event there is no widow, such pension benefits shall be divided among the minor children of the deceased pro rata and the pro rata share due each minor child

shall be paid to the guardian of that child until the child shall reach the age of 18.

For the purpose of computing years of service under this subsection, service rendered prior to the enactment of this subsection, shall also be counted.

Sec. 9. P. & S. L., 1917, c. 201, Art. VI-B, § 5, amended. The last sentence of section 5 of Article VI-B of chapter 201 of the private and special laws of 1917, as amended by section 7 of chapter 151 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

When, as a result of disability set forth in subsection 3 of section 4 of this Article, or a death of a retired member receiving pension benefits under said subsection 3, or of the death of an active member in line of duty, such member or his beneficiaries received compensation payments therefor from any other source, other than insurance proceeds from policies paid out of their own funds, the amount paid to such member or his beneficiaries from said pension fund during the period when said compensation payments are being received shall be determined by subtracting the amount paid by said compensation payments from the amounts otherwise payable under this section.

Sec. 10. P. & S. L., 1917, c. 201, Art. VI-B, § 5-A, additional. Article VI-B of chapter 201 of the private and special laws of 1917, as amended, is further amended by adding a new section 5-A, to read as follows:

Sec. 5-A. Amount of pension; ordinary or nonservice-connected disability. The pension of any member of said department, who shall become entitled thereto under the provisions of subsection 3-A of section 4 of this Article, shall be equal to 1/50th of the annual pay he was receiving at the time of said permanent disability multiplied by the total number of years of service completed. For the purpose of computing the amount of pension to be paid, half and whole years as hereinafter defined shall be counted. Six months, but less than 9 months, shall be deemed a half year and 9 months or more through 12 months shall be deemed a full year.

All pension payments made under the provisions of this section shall be automatically increased or diminished in amount as increases or reductions in daily pay are allowed by the city council to the regular members of said department.

Sec. 11. P. & S. L., 1917, c. 201, Art. VI-B, § 6, amended. Section 6 of Article VI-B of chapter 201 of the private and special laws of 1917, as amended, is further amended by adding at the end, a new sentence, as follows:

In case of death of a member of the department under circumstances that entitle beneficiaries as defined in subsection 4 of section 4 of this Article as amended, to pension benefits, no contributions paid in by such member shall be paid back.

Sec. 12. P. & S. L., 1917, c. 201, Art. VI-B, § 10, repealed and replaced. Section 10 of Article VI-B of chapter 201 of the private and special laws of 1917, as enacted by chapter 90 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

Sec. 10. Limitations. The provisions of this Article shall not apply to those members who now are or hereafter become members of the Maine State Retirement System.