

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1711

House of Representatives, June 9, 1967

Reported by the Committee on Retirements and Pensions. Printed under House Rule 33.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

COMMITTEE AMENDMENT "A" to H. P. 925, L. D. 1357, Bill, "An Act Relating to Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

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 Section 4 of Article VI-A of chapter 201 of the private and special laws of 1917, as repealed and replaced by section 4 of chapter 151 of the private and special laws of 1953, is amended by adding a new subsection 3-A, to read as follows: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 the police department who has completed 15 or more years of total service in the department, and who has become permanently disabled, mentally or physically, for further performance of duty in the department because of injury or disease or illness which was not incurred in the course of his employment as a member of the department, and whose disability has been certified by 3 reputable physicians as provided by subsection 3, shall be retired from the department and shall receive his honorable discharge from the city council upon receipt of a proper certificate from the pension commission; whereupon he shall automatically become eligible for pension benefits on account of such permanent disability. Such annual pension benefits shall be equal to 1/50th of the annual pay that he was receiving at the time of his disability multiplied by the total number of years of service completed, but in no case to exceed 1/2 of his annual pay. For purposes of such computation, service for more than 8 months of a year shall be considered a whole year. All pension payments made under this subsection 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 the said department.

Sec. 2. P. & S. L., 1917, c. 201, Art. VI-A, sub-§ 4, repealed and replaced. Subsection 4 of section 4 of Article VI-A of chapter 202 of the private and special laws of 1917, as amended, is repealed and the following enacted in place thereof.

4. Upon the death of any member of said department, whether before or after his retirement, his widow shall be paid \$100 per month, commencing in the first month after death occurs and continuing until the date of her death or remarriage, whichever first occurs. The unmarried child or children under 18 years, or any other child of the deceased who has been adjudged mentally incompetent, shall receive benefits as follows: One child shall be paid \$100 per month, 2 children a total of \$150 per month in equal shares, and 3 or more children a total of \$200 per month in equal shares. The benefits shall begin in the first month after the death of the deceased member and continue as to each child until he reaches his 18th birthday. In the event of the death or marriage of any child prior to his 18th birthday, payments as to that child shall terminate and subsequent payments to the other children, if any, shall be payable as if he had never lived. Any such payments to children may be made to the child directly or to any persons having the care or custody of such child to be applied for his benefit and the receipt of such child or person shall fully discharge the obligation of the City of Auburn with respect to the making of such payment.

If a member of the department should die as the result of an injury or illness incurred in the course of his employment, his widow shall receive the full amount of his regular pension payment beginning in the first month after death occurs. Upon the date of her death or remarriage, whichever first occurs, or if he leaves no widow, the unmarried children under 18 years of age, or any other child of the deceased who has been adjudged mentally incompetent, shall receive said pension in equal shares. Said pension payments shall be made upon the same terms and to the same extent as provided in this subsection with respect to payment of benefits to children of members dying of causes other than injury or illness incurred in the course of his employment.

Sec. 3. 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 enacted by chapter 89 of the private and special laws of 1941, is amended to read as follows:

Sec. 6. Contribution to fund. The sum of ~~2%~~ 5¾% shall be deducted from the salaries paid to the members of the department, which shall be paid into the said pension fund and be available for the purposes of this article. In case of the death, resignation or discharge of any member contributing to this fund before the member, or any of his survivors, receives or is entitled to receive any benefits from this article, the amounts paid in by him shall be paid back to him or his estate plus interest at the prevailing savings bank rate. Said deductions of ~~2%~~ 5¾% as aforesaid shall not be mingled with other funds of the City of Auburn, but shall be kept in a separate cash fund and paid over to the police pension commission quarter-annually.

Sec. 4. 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 and construction. The provisions of this article shall apply only to those members of the Auburn police department who have heretofore been covered by the pension fund provisions established by chapter 201 of the private and special laws of 1917, as amended, and are not members of the Maine State Retirement System, except that nothing contained herein shall be taken to alter the vested rights of persons already receiving pension fund benefits under said pension fund provisions on the effective date of this Act, and such persons shall continue to receive pension fund benefits in accordance with the provisions of law in effect when their pensions began. The pension fund benefits created hereunder shall be considered as rights "heretofore established" within the meaning of Article IX, section 4 of An Act to Grant a New Charter to the City of Auburn passed by the 103rd Legislature.

Sec. 5. P. & S. L., 1917, c. 201, Art. VI-B, § 4, sub-§ 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 thereto a new subsection, to read as follows:

3-A. Any regular member of the fire department who has completed 15 or more years of total service in the department, and who has become permanently disabled, mentally or physically, for further performance of duty in the department because of injury or disease or illness which was not incurred in the course of his employment as a member of the department, and whose disability has been certified by 3 reputable physicians as provided by subsection 3, shall be retired from the department and shall receive his honorable discharge from the city council upon receipt of a proper certificate from the pension commission; whereupon he shall automatically become eligible for pension benefits on account of such permanent disability. Such annual pension benefits shall be equal to 1/50th of the annual pay that he was receiving at the time of his disability multiplied by the total number of years of service completed, but in no case to exceed 1/2 of his annual pay. For purposes of such computation, service for more than 8 months of a year shall be considered a whole year. All pension payments made under this subsection 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 the said department.

Sec. 6. 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 enacted by chapter 90 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

4. Upon the death of any member of said department, whether before or after his retirement, his widow shall be paid \$100 per month, commencing in the first month after death occurs and continuing until the date of her death or remarriage, whichever first occurs. The unmarried child or children under 18 years, or any other child of the deceased who has been adjudged mentally incompetent, shall receive benefits as follows: One child shall be paid \$100 per month, 2 children a total of \$150 per month in equal shares, and 3 or more children a total of \$200 per month in equal shares. The benefits shall begin in the first month after the death of the deceased member and continue as to each child until he reaches his 18th birthday. In the event of the death or

marriage of any child prior to his 18th birthday, payments as to that child shall terminate and subsequent payments to the other children, if any, shall be payable as if he had never lived. Any such payments to children may be made to the child directly or to any persons having the care or custody of such child to be applied for his benefit and the receipt of such child or person shall fully discharge the obligation of the City of Auburn with respect to the making of such payment.

If a member of the department should die as the result of an injury or illness incurred in the course of his employment, his widow shall receive the full amount of his regular pension payment beginning in the first month after death occurs. Upon the date of her death or remarriage, whichever first occurs, or if he leaves no widow, the unmarried children under 18 years of age, or any other child of the deceased who has been adjudged mentally incompetent, shall receive said pension in equal shares. Said pension payments shall be made upon the same terms and to the same extent as provided in this subsection with respect to payment of benefits to children of members dying of causes other than injury or illness incurred in the course of his employment.

Sec. 7. 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 enacted by chapter 90 of the private and special laws of 1941, is amended to read as follows:

Sec. 6. Contributions to fund. The sum of ~~2%~~ 5¾% shall be deducted from the salaries paid to the members of the department, which shall be paid into the said pension fund and be available for the purposes of this article. In case of the death, resignation or discharge of any member contributing to this fund before the member, or any of his survivors, receives or is entitled to receive any benefits from this article, the amounts paid in by him shall be paid back to him or his estate plus interest at the prevailing savings bank rate. Said deductions of ~~2%~~ 5¾% as aforesaid shall not be mingled with other funds of the City of Auburn, but shall be kept in a separate cash fund and paid over to the firemen pension commission quarter-annually.

Sec. 8. 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 and construction. The provisions of this article shall apply only to those members of the Auburn fire department who have heretofore been covered by the pension fund provisions established by chapter 201 of the private and special laws of 1917, as amended, and are not members of the Maine State Retirement System, except that nothing contained herein shall be taken to alter the vested rights of persons already receiving pension fund benefits under said pension fund provisions on the effective date of this Act, and such persons shall continue to receive pension fund benefits in accordance with the provisions of law in effect when their pensions began. The pension fund benefits created hereunder shall be considered as rights "heretofore established" within the meaning of Article IX, section 4 of An Act to Grant A New Charter to the City of Auburn passed by the 103rd Legislature.