

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 635

H. P. 517

House of Representatives, February 12, 1975

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Powell of Wallagrass Plantation.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Restoration to State Service.

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

Sec. 1. 5 MRSA § 1123, 3rd sentence, as last amended by PL 1971, c. 595, § 1, is further amended to read:

Should any recipient of benefits other than disability benefits be restored to service, and should the combination of his monthly retirement allowance and monthly earnable compensation at any time exceed $1/12$ of his average final compensation at retirement, his monthly retirement allowance payments shall be reduced accordingly; if his retirement allowance payments are thereby eliminated, the beneficiary shall again become a member of the retirement system and he shall contribute thereafter at the current rate the same general limitations with respect to whether or not the benefits should be suspended will be as outlined above, except that in the event benefits are suspended during such period of employment and when such member subsequently again retires, he shall receive such combined benefits as may be computed on his entire creditable service and in accordance with the then existing law.

Sec. 2. **Effective date.** This Act shall be retroactive to July 1, 1975 as to those persons who were in state service and receiving nondisability retirement benefits on the effective date of this Act.

STATEMENT OF FACT

The purpose of this Act is to amend the wording of the 3rd sentence of Title 5, section 1123 to coincide with the wording found in the statute prior

to March 1, 1972. As presently worded, the sentence in question has had the effect of discriminating against retired state employees, and teacher and participating district retirees, with respect to all other people in retirement status seeking employment in the affected jurisdictions including but not limited to federal and private enterprise retirees.