

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 700

H. P. 576

House of Representatives, March 2, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Exclude Persons Receiving Armed Forces Retirement Benefits from Eligibility for Unemployment Benefits Based on Armed Forces Employment.**

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

26 MRSA § 1193, sub-§ 5, ¶ C, 1st sentence, as amended by PL 1971, c. 305, is further amended to read:

Retirement pay or a pension paid, excluding a pension paid under Title II of the Federal Social Security Act, as amended, ~~and further excluding retirement, disability, retainer or pension payments received as a result of service in the Armed Forces of the United States~~ directly by the employer or paid indirectly by the employer through a trust fund, insurance or other media in the manner set forth in section 1043, subsection 19, paragraph B, subparagraph (1).

STATEMENT OF FACT

Under the current Maine Employment Security Law, a person retired from the Armed Forces may receive both his full retirement benefit and the full amount of an unemployment benefit calculated on armed forces base period eligibility. Unlike the retiree under a private pension plan, there is no reduction in unemployment benefits due to armed forces retirement income. Illustratively, persons retiring after 20 years armed forces service could receive benefits as follows:

**Weekly Payments Received**

<b>Retirement Rank</b>	<b>Armed Forces Retirement</b>	<b>Unemployment Benefits</b>	<b>Total</b>
Sergeant First Class	\$105	\$79	\$184
Lieutenant Colonel	\$228	\$79	\$307

This bill also:

1. Excludes from eligibility for unemployment benefits employment for which an individual is receiving armed forces retirement benefits; and

2. Continues to provide unemployment benefits to a person who is receiving armed forces retirement benefits and who qualifies for unemployment benefits on the basis of some other covered employment, but to base such unemployment benefits on nonarmed forces, covered employment.