

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 606

6
7 H.P. 426

House of Representatives, February 19, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative McSweeney of Old Orchard Beach.

Cosponsored by Representative Richard of Madison and Representative
Farnum of South Berwick.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Clarify the Definition of Spouse
18 and to Add a Definition of Substantial
19 Gainful Activity.
20

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

23 Sec. 1. 5 MRSA §1001, sub-§24 is repealed and
24 the following enacted in its place:

25 24. Spouse. "Spouse" means the person currently
26 legally married to a member.

27 Sec. 2. 5 MRSA §1001, sub-§24-A is enacted to
28 read:

29 24-A. Substantial gainful activity. "Substantial
30 gainful activity" means work usually done for pay or
31 profit that involves engaging in significant physical
32 or mental activity. Work may be substantial if per-
33 formed on a part-time basis. An activity may be gain-
34 ful whether or not a profit is realized.

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STATEMENT OF FACT

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The definition of spouse is repealed and a new definition enacted to bring this definition into conformity with the Probate Code, the Maine Revised Statutes, Title 18-A, section 2-802, subsection (a) and recent court decisions in the State.

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A definition of substantial gainful activity is being added to the law to assist in the interpretation of the existing laws dealing with the continuation of disability retirement allowances, the Maine Revised Statutes, Title 5, section 1122, subsection 4. This term presently exists in the law but is not defined.

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