

MAINE STATE LEGISLATURE

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(New Draft of H.P. 936, L.D. 1252)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1606

H.P. 1177 House of Representatives, May 15, 1987
Reported by Representative HICKEY from the Committee on
Aging, Retirement and Veterans and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative DUFFY of
Bangor. Cosponsored by Representative RICHARD of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Equalize Retirement Credits for Air
2 and Army National Guardsmen.
3

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

6 Sec. 1. 5 MRSA §17760, sub-§1, ¶A, as enacted by
7 PL 1985, c. 801, §§5 and 7, is amended to read:

8 A. No member who is otherwise entitled to ser-
9 vice credit for military leave may be deprived of
10 these credits if the member's return to member-
11 ship service is delayed beyond 90 days after his
12 separation from the service in the Armed Forces
13 of the United States, under conditions other than
14 dishonorable or, if the individual became a mem-

1 ber of the retirement system after September 16,
2 1987, for bad conduct, if the delay is caused by
3 an illness or disability incurred in the service
4 in the armed forces.

5 Sec. 2. 5 MRSA §17760, sub-§1, ¶B, as enacted by
6 PL 1985, c. 801, §§5 and 7, is repealed and the fol-
7 lowing enacted in its place:

8 B. A member may not receive service credit for
9 military leave on any day for which the member
10 has already received state compensation or state
11 retirement credits or which is beyond a cumula-
12 tion of 4 years' military service, unless:

13 (1) The member's return to active duty in
14 the armed forces or the extension of the pe-
15 riod of service beyond 4 years is required
16 by some mandatory provision; and

17 (2) The person presents proof of the return
18 to or extension of service satisfactory to
19 the board.

20 Sec. 3. 5 MRSA §17760, sub-§2, as enacted by PL
21 1985, c. 801, §§5 and 7, is amended to read:

22 2. Service before becoming a member. A member
23 who served as a full-time active duty member of the
24 armed forces, including reserve forces under the
25 United States Code, Title 10 or 32, for ordered duty
26 of periods of 17 consecutive days or before becoming
27 a member of the retirement system is entitled to ser-
28 vice credit for the period of time he served in the
29 armed forces, under the following terms and condi-
30 tions.

31 A. On the date of retirement, the member must
32 have at least 15 years of creditable service.

33 B. ~~Service-credit-under-this-subsection-is--lim-~~
34 ~~ited--to-4-years.~~ A member may not receive credit
35 for military leave on any day for which the mem-
36 ber has already received state compensation or
37 state retirement credits or which is beyond a cu-
38 mulation of 4 years' military service, unless:

1 (1) The member's active duty in the armed
2 forces or the extension of the period of
3 service beyond 4 years is required by some
4 mandatory provision; and

5 (2) The person presents proof of the return
6 to or extension of service satisfactory to
7 the board.

8 C. The member must have separated from the armed
9 forces under conditions other than dishonorable
10 or, if the individual became a member of the re-
11 tirement system after September 16, 1987, for bad
12 conduct.

13 D. Except as provided in paragraph E, the member
14 must have begun membership before January 1,
15 1976.

16 E. A member who served in the armed forces at
17 any time from August 5, 1964, to May 7, 1975, is
18 entitled to service credit under this subsection
19 if he begins membership before January 1, 1988.
20 A member who, at the time of becoming a member of
21 the retirement system, is eligible for benefits
22 from another retirement plan for the years of
23 service in the armed forces or reserve forces is
24 not entitled to service credits under this para-
25 graph.

26 F. Contributions required by section 17713 must
27 have been paid.

28 STATEMENT OF FACT

29 This new draft adds bad conduct as a reason for
30 excluding veterans from purchasing service time. It
31 also clarifies how the purchase of service time works
32 for veterans who served in the armed forces before
33 entering state service.

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