

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 896

---

S.P. 335

In Senate, March 22, 1989

Reference to the Committee on Aging, Retirement and Veterans suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Senator CLARK of Cumberland, Representative JALBERT of Lisbon and Representative DELLERT of Gardiner.

---

STATE OF MAINE

---

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

---

An Act to Amend the Provisions in the Maine State Retirement System Laws  
Relating to Restoration to Service.

---



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

3 Sec. 1. 5 MRSA §17855, as amended by PL 1987, c. 739, §§27  
and 48, is repealed and the following enacted in its place:

5 §17855. Restoration to service

7 If any person who is the recipient of a service retirement  
9 benefit is restored to service, continuation of that person's  
11 benefit shall be governed by the following.

13 1. Continued benefit. The person may elect to have that  
15 person's service retirement benefit continued during the period  
of time while the person is restored to service and the person  
shall not accumulate any additional service credits.

17 2. Terminate benefits. The person may elect to have the  
19 person's service retirement benefit terminated, again become a  
member of the retirement system and begin contributing at the  
21 current rate.

23 A. The person shall accumulate additional service credits  
during the period of time while the person is restored to  
25 service.

27 B. When the person again retires, the person shall receive  
benefits computed on the person's entire creditable service  
29 and in accordance with the law in effect at the time.

31 3. Election. Upon being restored to service, the person  
shall make the election to have benefits either continued or  
33 terminated. If written notification of the person's election is  
not received by the executive director within 30 days of  
35 restoration to service, the person shall be deemed to have  
elected the provisions of subsection 1. The election, regardless  
37 of how it is made, shall be irrevocable during the period of  
restoration to service.

39 Sec. 2. 5 MRSA §18457, as amended by PL 1987, c. 739, §§43  
and 48, is repealed and the following enacted in its place:

41 §18457. Restoration to service

43 If any person who is the recipient of a service retirement  
45 benefit is restored to service, continuation of the person's  
benefit shall be governed by the following.

47 1. Continued benefit. The person may elect to have the  
49 person's service retirement benefit continued during the period  
of time while the person is restored to service and the person  
51 shall not accumulate any additional service credits.

1           2. Terminate benefits. The person may elect to have the  
2           person's service retirement benefit terminated, again become a  
3           member of the retirement system and begin contributing at the  
4           current rate.

5           A. The person shall accumulate additional service credits  
6           during the period of time while the person is restored to  
7           service.

8           B. When the person again retires, the person shall receive  
9           benefits computed on the person's entire creditable service  
10           and in accordance with the law in effect at the time.

11           3. Election. Upon being restored to service, the person  
12           shall make the election to have benefits either continued or  
13           terminated. If written notification of the person's election is  
14           not received by the executive director within 30 days of  
15           restoration to service, the person shall be deemed to have  
16           elected the provisions of subsection 1. The election, regardless  
17           of how it is made, shall be irrevocable during the period of  
18           restoration to service.

## STATEMENT OF FACT

23  
24  
25  
26  
27           The present laws setting earnings limitations for Maine  
28           State Retirement System retirees who return to employment with  
29           their former employers are quite restrictive, complicated and not  
30           easily understood by many retirees. This bill gives a retiree  
31           contemplating returning to the retiree's former employment a  
32           simple choice - continue to receive a retirement benefit and  
33           accrue no additional creditable service or give up the retirement  
34           benefit and accrue additional creditable service which could  
35           result in a larger retirement benefit when the person retires  
36           again.  
37