## MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1991

#### Legislative Document

No. 646

S.P. 242

Received by the Secretary, February 14, 1991

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator CLARK of Cumberland
Cosponsored by Senator EMERSON of Penobscot, Representative HEINO of Boothbay and
Representative DUTREMBLE of Biddeford.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System.



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Вe	it	enacted	by	the	Peor	ole	of	the	S	tate	of	Maine	as	follow	'S:

2.0

- Sec. 1. 5 MRSA §17054, sub-§§1 and 2, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:
  - 1. Retirement allowance available for child support. A member's retirement allowance shall—be is available to satisfy any child support obligation which that is otherwise enforceable by execution, garnishment, attachment, assignment or other process; and
  - 2. Accumulated contributions available for child support. A member's accumulated contributions, being refundable under sections 17705, 17706, 18306 and 18307 shall-be are available to satisfy any child support obligation which that is otherwise enforceable by execution, garnishment, attachment, assignment or other process; and

### Sec. 2. 5 MRSA §17054, sub-§3 is enacted to read:

3. Recovery of overpayments by the retirement system. Any amounts due the retirement system as the result of overpayment of benefits or an excess refund of contributions may be recovered from an individual's contributions or any benefits payable under this Part to the individual or the beneficiary of the individual. The executive director may also take action to recover those amounts due from any amounts payable to the individual by any other state agency or by an action in a court of competent jurisdiction. Whenever the executive director makes a decision to recover any amounts under this subsection, that decision is subject to appeal under section 17451.

#### STATEMENT OF FACT

This bill provides an exception to the restriction on attaching the contributions of members or benefits of retirees and beneficiaries under the Maine State Retirement System when the member or beneficiary has been overpaid. Occasionally, more money is refunded to a member than was in the member's account or in other instances a retiree is overpaid. The most frequent cases relate to retirees who return to part-time employment and earn an amount in excess of the permitted amount.

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