

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1583

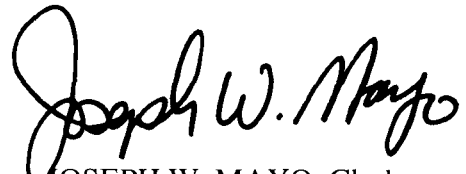
H.P. 1140

House of Representatives, June 23, 1995

An Act Regarding Timothy Harkins and Maine State Retirement System Benefits.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KILKELLY of Wiscasset.
Cosponsored by Representatives: MAYO of Bath, WATERHOUSE of Bridgton.

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

Sec. 1. Legislative findings. It is the finding of the Legislature that the circumstances surrounding the disability retirement benefits paid to Timothy Harkins II are such that it is not practicable to provide for their resolution by general law. It is further the finding of the Legislature that, Timothy Harkins II having received disability retirement benefits from the Maine State Retirement System for 13 years, it is presumed that the benefits were properly calculated. It is also the finding of the Legislature that Timothy Harkins II relied upon the Maine State Retirement System's calculations, and if these calculations were in error, the Maine State Retirement System is precluded from changing the calculation of future benefits and from requiring any reimbursement from Timothy Harkins II for past benefits.

Sec. 2. Entitlement to disability retirement benefits; Maine State Retirement System payment. Notwithstanding the Maine Revised Statutes, Title 5, chapter 425, subchapter IV, article 3, or any other contrary provision of law, Timothy Harkins II is entitled to disability retirement benefits. The Maine State Retirement System shall provide to Timothy Harkins II disability retirement benefits as calculated by the Maine State Retirement System prior to February 1, 1995 subject to applicable cost-of-living adjustments, income offsets or other applicable administrative adjustments so long as the disability on which those benefits was based continues.

Sec. 3. Maine State Retirement System prohibited from seeking reimbursement. Notwithstanding the Maine Revised Statutes, Title 5, chapter 425, subchapter IV, article 3 or any other contrary provision of law, the Maine State Retirement System may not require Timothy Harkins II to reimburse any overpayment of money received from the Maine State Retirement System that was in excess of that authorized by law.

STATEMENT OF FACT

This bill directs the Maine State Retirement System to continue pay to Timothy Harkins II the level of disability retirement benefits it was paying on February 1, 1995 as long as the disability continues. In view of the failure for 13 years of the Maine State Retirement System to recognize any potential overpayment, it prohibits the Maine State Retirement System from seeking reimbursement of any overpayment from Timothy Harkins II.