

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 490

H.P. 365

House of Representatives, February 1, 2005

### **An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAMPBELL of Newfield.

Cosponsored by Representative HUTTON of Bowdoinham, Senator ANDREWS of York and Representatives: BROWN of South Berwick, CARR of Lincoln, COLLINS of Wells, CRAVEN of Lewiston, LEWIN of Eliot, PINGREE of North Haven, SMITH of Van Buren, WALCOTT of Lewiston.

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

Sec. 1. 26 MRSA §1193, sub-§9, as enacted by PL 1981, c. 149, 4, is repealed.

Sec. 2. 26 MRSA §1193, sub-§9-A is enacted to read:

9-A. Receiving pension. Except as provided in this subsection, for any week with respect to which the individual is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer.

A. The individual receives benefits with no reduction under this subsection if:

(1) The individual is receiving a pension paid under the United States Social Security Act or any other pension or plan to which the individual made at least 50% of the contributions;

(2) All contributions to the plan were made by the individual and an employer or any other person or organization who is not a base period or chargeable employer; or

(3) The services performed for the employer by the individual during the base period, or remuneration received for these services, did not affect the individual's eligibility for, or increase the amount of, that pension, retirement or retired pay, annuity or similar payment.

B. If the individual contributed to the plan, but not at least 50% of the contributions, the individual receives a benefit reduced by the prorated weekly amount of the pension after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the plan by that individual. The benefit may not be reduced below zero.

## SUMMARY

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the

contributions. As under current law, if the person contributed  
2 some amount to the pension, but less than 50%, the offset is made  
after deduction of that portion of the pension that is directly  
4 attributable to the percentage of the contributions made to the  
pension by that person.