

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 345**

H. P. 831

House of Representatives, January 30, 1941.

Referred to Committee on Legal Affairs and 500 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rodrigue of Waterville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT to Provide a Pension for Members of the Police and Fire  
Departments of the City of Waterville.**

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

**Sec. 1. Pensions provided for.** Pensions are hereby authorized and provided for, to be paid by the city of Waterville to members of the police and fire departments of said city in accordance with the following provisions of this act.

**Sec. 2. Creation of pension fund.** The city of Waterville is hereby authorized to appropriate money for the payment of said pensions, which sum shall be known as the "pension fund" and which shall be created to provide for the monthly payment of such pensions as may become due under the terms of this act.

**Sec. 3. Creation of pension commission.** A pension commission hereby is created for the administration of the provisions of this act, and shall consist of the following members, the mayor, the city treasurer, one member to be selected by the members of the police department, one member to be selected by the members of the fire department, and one other member

to be chosen by the other aforesaid members. As soon as possible after the determination of the selection or choosing of its action. The mayor and city treasurer shall serve during their respective terms of office; the members representing the police and fire departments, and the fifth member shall serve for a period of 5 years from the date that notice thereof has been filed with the city clerk. All members shall serve without salary. The pension commission herein established shall have complete jurisdiction in the setting up and in the administration of the pension fund and in the drafting of such rules and regulations as may be necessary to make effective the operation of this system, subject however to the limitations of this act.

**Sec. 4. Eligibility.** 1. When any regular member of either the said fire or police departments, including the department chiefs of both said departments, shall have arrived at the age of 65 years, he shall be deemed to be incapacitated for further useful service in said departments, and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said pension commission whereupon he shall automatically become eligible for all the benefits of said pension, if said member has complied with the rule set forth in section 6.

2. When any regular member of the said police department including the department chief shall have arrived at the age of 60 years, he may petition for the benefits of this act, and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said pension commission whereupon he shall automatically become eligible for all benefits of said pension.

3. When any regular member of said fire department including the department chief and deputy chief, shall have arrived at the age of 60 years or shall have served 25 years in said department, he may petition for the benefits of this act, and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said commission, whereupon he shall automatically become eligible for all benefits of said pension.

4. When any member of either of said departments shall become totally disabled, he may petition for the benefits of this act, and his honorable discharge shall be given him by the city council, and he shall automatically become eligible for all benefits of said pension. Total disability shall be construed to mean disability resulting from an injury or the contracting of

any disease or illness while a member of either of said departments in active service, which shall permanently prevent such person from performing his duties in said departments. Three reputable physicians, one to be appointed by the pension commission, one by the petitioner, and a third to be chosen by the 2 physicians aforesaid, shall determine whether such disability exists. They shall certify their findings to the pension commission, whose findings shall be final, and if said physicians are unable to agree, then in such event, the findings of the majority shall be controlling.

5. In the event a member of either said departments shall lose his life in the performance of his duty, his widow shall receive all benefits of this pension during such times as her widowhood status is maintained. Upon her death or remarriage the minor children of the deceased, if any, shall receive during their minority, pro-rata, the full benefits of this pension during such time as the pension commission in its discretion, may deem necessary and proper.

**Sec. 5. Amount of pension.** Said pension shall be equal, at any given time, to  $\frac{2}{3}$  the regular salary at that time received by the members of the said respective departments serving in the same capacity as the pensioner was serving at the time he was retired; all pension payments made under the provisions of this section shall be automatically increased or diminished in amount as increases or reductions in the daily pay are allowed by the city council to the regular members of the said respective departments.

**Sec. 6. Contributions by department members.** There shall be contributions or payments by the members of either of said departments of  $3\frac{1}{2}$  percent of the annual pay. Any member not desiring to participate in the benefits of this pension may notify members of the pension commission of their intentions, but in no way will they be entitled to the benefits of the pension.

**Sec. 7. Pensions not attachable, etc.** No portion of said pension fund shall, either before or after its order of distribution to any pensioned member of said departments, be held, seized, taken or levied upon, by virtue of any attachment, injunction, writ, interlocutory, or other order or decree, or any process or proceedings whatever, issued out of or by any court, for the payment or satisfaction in whole or part of any debt, damage claim, demand or judgment against any said member, and no pensioner shall have the legal right to assign his or her pension, or any part thereof.

**Sec. 8. Constitutionality.** If any section, sentence, clause or phrase of

this act is for any reason, held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this act; it being the intention that the remaining portions of this act shall stand, notwithstanding the unconstitutionality and invalidity of any section, sentence, clause or phrase.

**Sec. 9. Repealing clause.** All acts or parts of acts, either public or private concerning the subject matter of pensions for members of the Waterville police and fire departments, are hereby repealed in their entirety.

**Sec. 10. Withdrawal of monies.** Any contributing member who ceases to be a member of the police or fire department of the city of Waterville before retirement date, may withdraw from the pension fund monies which he has contributed while a member, plus interest at 2% per year upon that fund.