

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 716

H. P. 1103 House of Representatives, February 24, 1943.
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Miss Bangs of Brunswick (by request).

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT to Provide a Pension for Employees of the State of Maine.

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 state of Maine, to employees of the state of Maine, except for members of the state police department, members of the superior court and supreme judicial court, and members of the so-called "Teachers' Retirement System", in accordance with the following provisions of this act.

Sec. 2. Creation of pension fund. The state of Maine is hereby authorized to and shall appropriate money for the payment of said pensions, which sum shall be known as the "State Pension Fund" and 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 state pension commission. A state pension commission is hereby created for the administration of the provisions of this act, and shall consist of the following members: the treasurer of state, the state personnel director, and the state auditor. The pension commission

here established shall have custody and complete jurisdiction in the setting up and in the administration of the state 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. Said state pension commission shall invest said state pension fund only in such securities as are enumerated in paragraphs I, II, III, IV, V, VI, VII, VIII, and X of section 27 of chapter 57 of the revised statutes as amended.

Sec. 4. Eligibility to pension. (1) When any regular employee of the state shall have arrived at the age of 65 years he or she shall be deemed to be incapacitated for further useful service in said department and his or her honorable discharge shall be given to him or her by the pension commission, whereupon he or she shall become automatically eligible for his or her said pension.

(2) When any regular employee of the state of Maine shall have served for a period of 25 years he or she may petition for the benefits of this act and his or her honorable discharge shall be given him or her by the pension commission, whereupon he or she shall automatically become eligible for all benefits of said pension.

Sec. 5. Amount of pension. The pension shall be equal, at any given time, to $\frac{1}{2}$ the employee's annual salary, to be computed in the following manner:

The annual wages for the past 5 years of the employee's service prior to the date of his or her retirement shall be added and then divided by 5.

Sec. 6. Contributions to fund. The sum of 5% shall be deducted from the salaries paid to state employees, which shall be paid into the said pension fund and be available for the purposes of this act. In case of death, resignation or discharge of any employee contributing to this fund before the employee receives or is entitled to receive any benefits from this act, the amounts paid in by him shall be paid back to him or his estate plus interest at the prevailing savings bank rate. Said deductions of 5% as aforesaid shall not be mingled with other funds of the state of Maine, but shall be kept in a separate cash fund and paid over to the state pension commission quarter-annually.

Sec. 7. Pensions not attachable, etc. No portion of said pension fund shall, either before or after its order of distribution to any pensioned employee of the state of Maine, 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 of satisfaction in whole or in part of any debt, damage claim, demand or judgment against any said employee, except orders of support of minor children, separate support of wife, or alimony, 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 state employees, are hereby repealed in their authority.