

# MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 316—L. D. 876

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# NINETY - THIRD LEGISLATURE

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**Legislative Document**

**No. 1472**

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S. P. 545

In Senate, April 28, 1947

Reported by Senator Batchelder of York from the Committee on Legal Affairs and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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### **AN ACT to Amend the Pension Law for Members of 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. P. & S. L., 1941, c. 88, § 4, amended.** Section 4 of chapter 88 of the private and special laws of 1941, as amended, is hereby amended to read as follows:

**'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, and he shall have served 25 years in said department. If such member shall not have served 25 years in said department, the amount of pension to which he shall be eligible as aforesaid shall be such fractional part of the total benefits hereinafter provided as the total number of his years of service in said department bears to twenty-five.

(2) When any regular member of the said police department, including the department chief, shall have arrived at the age of 60 years ~~or~~ and 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 pension commission whereupon he shall automatically become eligible for all benefits of said pension, **if said member has complied with the rule set forth in section 6.**

(3) When any regular member of the said fire department, including the department chief, shall have arrived at the age of 60 years ~~or~~ and 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 pension committee 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.**

(4) When any member of either of said departments shall become totally **and permanently** 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 **and permanent** disability shall be construed to mean disability resulting from any 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 two 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.

**Sec. 2. P. & S. L., 1941, c. 88, § 5, amended.** Section 5 of chapter 88 of the private and special laws of 1941, as amended, is hereby amended to read as follows:

**Sec. 5. Amount of pension.** Said pension shall be equal, at any given time, to ~~two thirds~~  $\frac{1}{2}$  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 al-

lowed by the city council to the regular members of the said respective departments.'

**Sec. 3. P. & S. L., 1941, c. 88, § 6, amended.** Section 6 of chapter 88 of the private and special laws of 1941, as amended, is hereby amended to read as follows:

**'Sec. 6. Contributions by department members.** There shall be contributions or payments by the members of ~~either both~~ said departments of 3½% of the annual pay. Any member not desiring to participate in the benefits of this pension plan ~~may~~ shall notify ~~members of~~ the pension commission of ~~their~~ his intentions within 30 days after being elected as regular members of either of said departments, ~~but~~ and in no way will ~~they~~ he be entitled to the benefits of the pension.'

**Sec. 4. Applicability.** This act shall apply to all members of both said departments who are not now participating in said pension plan and to all those persons who become members of either of said departments after the effective date hereof.

**Sec. 5. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legally qualified voters of the city of Waterville at the next general election held therein or at any special election legally called for the purpose. If a majority of the qualified voters at such election vote in favor of the acceptance of this act or any part thereof as herein provided, this act or the part thereof so accepted shall thereupon become effective. The questions submitted to the voters shall read as follows:

No. 1 "Shall the Pension Act for the Police and Fire Departments be changed relative to mandatory retirement?"

No. 2 "Shall the Pension Act for the Police and Fire Departments be changed to require applicants for pension to have reached the age of 60 years and have served 25 years in the department of which they are members?"

No. 3 "Shall the Pension Act for the Police and Fire Departments be changed to provide retirement at ½ pay instead of 2/3 pay?"

No. 4 "Shall the Pension Act for the Police and Fire Departments be changed to require members within 30 days after their election as members in writing to notify the commission if they decide not to take part in the pension plan?"

The City Clerk shall forthwith file with the secretary of state a certificate of the action of the voters thereon.

**Sec. 6. Applicability.** The provisions of chapter 88 of the private and special laws of 1941, as relates to fire or police department pensions of the city of Waterville, shall not apply to any member of said fire or police departments who elects to join and who shall join the employees' retirement system of the state of Maine.