

MAINE STATE LEGISLATURE

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

Legislative Document

No. 470

S. P. 217

In Senate, February 7, 1951

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Clarify Certain Procedures Under Maine State Retirement Law.

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

Sec. 1. R. S., c. 60, § 3, sub-§ II, amended. The last sentence of the 1st paragraph of subsection II of section 3 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

‘Any employee who has elected not to become a member by filing such a waiver may thereafter apply for and be admitted to membership ~~but no such employee shall receive prior service credit unless he becomes a member before July 1, 1948~~ and receive the proper credits provided he pays into the system such back contributions as might be due from the date of establishment of the plan so far as he is concerned to the date of so becoming a contributing member.’

Sec. 2. R. S., c. 60, § 3, sub-§ II, ¶ A, amended. The 1st sentence of paragraph A of subsection II of section 3 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

‘Any person who was on the payroll as of December 31, 1941, and who

was transferred to the federal employment service and any person employed by the employment service after December 31, 1941 and who subsequently may become a state employee when the so-called employment service shall be returned to the state of Maine as an operating unit, shall be considered a member of the retirement system; provided, however, that the employee designated in this paragraph shall have made payments to the state retirement fund in the same amounts and during the same periods as the other state employees have made to said fund, but the employee in the service of the federal employment service, so-called, may be permitted to make up any amounts due to the retirement fund ~~if this is done within a year of the date when the so-called employment service is returned to the state of Maine~~, but any employee of the federal employment service who has not paid the contributions shall not be entitled to the benefits of this chapter.'

Sec. 3. R. S., c. 60, § 3, sub-§ III, amended. Subsection III of section 3 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'III. Any employee for whom this retirement system can be considered to have been established July 1, 1942 may, if he so elects, pay into the retirement system any or all back contributions covering any or all of the period from July 1, 1942 to ~~July 1, 1947~~ **the date when such employee first began to make contributions to the system**, and receive therefor the proper membership credit for the period for which such back contributions are made. **For teachers the date of establishment shall be considered to have been as of July 1, 1947'**

Sec. 4. R. S., c. 60, § 4, sub-§ II, amended. Subsection II of section 4 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'II. Under such rules and regulations as the board of trustees shall adopt, each employee in service on July 1, 1947 who becomes a member ~~before July 1, 1948~~ thereafter shall file a detailed statement, on forms provided by the board of trustees, of all service rendered by him both before and after the applicable date of establishment for which he claims credit. Provided further, that any person formerly employed by the state and who is reemployed by the state at any time ~~prior to July 1, 1950~~ shall, upon becoming a member, be allowed the appropriate credit.'

Sec. 5. R. S., c. 60, § 6-A, sub-§ I, ¶ A, amended. Paragraph A of subsection I of section 6-A of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'A. Any member in service may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time ~~not less than 30 days nor more than 90 days subsequent to the filing thereof~~ he desires to be retired, provided that such member at the time so specified for his retirement shall have attained age 60 and notwithstanding that during such period of notification he may have separated from service.'

Sec. 6. R. S., c. 60, § 7, sub-§ I, amended. Subsection I of section 7 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'I. Upon the application of a member in service or of his department head, any member who has had 10 or more years of creditable service may be retired by the board of trustees on a disability retirement allowance ~~not less than 30 nor more than 90 days subsequent to~~ upon filing such application; provided that the medical board, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that he should be retired.'

Sec. 7. R. S., c. 60, § 7, sub-§ II, ¶ A, amended. Paragraph A of subsection II of section 7 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947 and amended by chapter 63 of the public laws of 1949, is hereby further amended to read as follows:

'A. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement with the provision that at his death a lump sum equal in amount to the difference between his accumulated contributions at the time of his retirement and the sum of the **annuity** payments actually made to him during his lifetime shall be paid to such person, if any, as he has nominated by written designation duly acknowledged and filed with the board of trustees, otherwise to his estate; and'

Sec. 8. R. S., c. 60, § 10, amended. The 1st paragraph of section 10 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of

chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'Until the first payment on account of a retirement allowance becomes normally due, any member may elect to convert the retirement allowance otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of one of the optional forms named below; provided, however, that an election of an optional benefit shall be effective on the date of retirement and should the member die before such election becomes effective, the benefits payable on his account shall be the same as though his election had not been filed and he had not been retired application.'

Sec. 9. R. S., c. 60, § 14, sub-§ I, ¶ E, amended. Paragraph E of subsection I of section 14 of chapter 60 of the revised statutes, as repealed and replaced by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'E. The secretary of the retirement system, on or after July 1 of each year, will furnish to each member of the system in service on July 1 of such year a statement showing the amount of accumulated contributions to the member's credit in his individual account in the annuity savings fund together with the total number of creditable years of service.'

Sec. 10. R. S., c. 60, § 14, sub-§ II, ¶ F, additional. Subsection II of section 14 of chapter 60 of the revised statutes, as amended by section 108 of chapter 349 of the public laws of 1949, is hereby further amended by adding thereto a new paragraph to be lettered F, to read as follows:

'F. Should a beneficiary be restored to membership there shall be transferred from the pension accumulation fund to his credit in the teachers savings fund the amount to his credit in the teachers savings fund, on the date of the last retirement, plus such interest to the date of restoration as may be declared by the board of trustees, not to exceed 3% compounded annually, less the product of the number of retirement payments made the beneficiary and the amount obtained by multiplying the monthly prior service payment by the ratio of the amount to his credit in the teachers savings fund, on date of the last retirement, to the reserve on the same date, for such monthly prior service payment; provided such result is positive.'