

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

NINETY - EIGHTH      LEGISLATURE

Legislative Document

No. 1627

S. P. 625

In Senate, October 28, 1957

The Committee on Retirements and Pensions suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Davis of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

**AN ACT Relating to Contributions and Eligibility of Survivor Benefits and  
Membership of Certain Teachers under Maine State Retirement Law.**

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

**Sec. 1. R. S., c. 63-A, § 5, amended.** The last paragraph of section 5 of chapter 63-A of the Revised Statutes, as enacted by section 3 of chapter 367 of the public laws of 1957, is hereby amended to read as follows:

‘Each member shall, as soon after July 1, 1957 as the Board of Trustees determines is practicable, make a contribution of ~~¼%~~ ¼ of 1% of earnable compensation to the survivors’ benefit fund as long as he is employed.’

**Sec. 2. R. S., c. 63-A, § 6, sub-§ V, amended.** Subsection V of section 6 of chapter 63-A of the Revised Statutes, as enacted by chapter 156 of the public laws of 1957, is hereby amended by adding at the end thereof a new sentence to read as follows:

‘This section shall apply only to those teachers who are unable to qualify for a retirement allowance under any other provision of this chapter.’

**Sec. 3. R. S., c. 63-A, § 9, sub-§ I, ¶ B, sub-¶ 1, amended.** Subparagraph 1 of paragraph B of subsection I of section 9 of chapter 63-A of the Revised Statutes, as repealed and replaced by section 4 of chapter 367 of the public laws of 1957, is hereby amended to read as follows:

‘1. General eligibility provision for non-service-connected death. The deceased member must have had at least 18 months of creditable service **any portion of which had been rendered** within the 42 months prior to date of death, or be under 60 years of age and receiving at the time of death an ordinary disability allowance as provided in section 7 and any lump sum due under section 7 shall be paid into the survivors’ benefit fund.’

## SUMMARY STATEMENT

This bill provides for three relatively minor amendments to certain of the retirement statutes.

The first one relates to chapter 367 of the public laws of 1957 wherein the Legislature in regular session set up a survivor benefit program as a part of the retirement system. The bill as enacted provided the contributions should start after July 1, 1957. In its operation, the bill, not being an emergency measure and, therefore, not becoming effective until August 28, required a retroactive procedure. This would be simple with employees still on the State payroll, but it was particularly difficult with respect to teachers, many of whom have since taken employment outside of the State. Thus, the first amendment permits an effective date as soon as the trustees deem it practical. It is their intent that the date shall be August 28, 1957.

The second section of this bill is a technical correction only and by adding the words "this section shall apply only to those teachers who are unable to qualify for a retirement allowance under any other provision of the chapter," the intent of chapter 156 in the public laws of 1957 is carried out. No presently existing pension will be changed by this clarifying amendment.

Section 3 of the bill removes an apparent inequity in another of the 1957 laws. A sample is this: A state employee, presumably covered by survivor benefits, is disabled and temporarily receiving a disability retirement allowance. He has the good fortune to recover and return to his regular state employment. Under many conditions he would be required to continue in active service for periods as long as 18 months before he regained his survivor benefit protection. This, obviously, was not the intent of the Legislature and section 3 of the bill corrects this deficiency.