

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Eligible dependents are: The wife, husband, surviving spouse, **unmarried** minor child or **unmarried** adult child who became incapable of self-support before reaching the age of 18 because of mental or physical defects.

Sec. 5. R. S., T. 37, § 105, amended. The last sentence of section 105 of Title 37 of the Revised Statutes is repealed and the following enacted in place thereof:

In determining the amount of aid the department shall compile and use budgetary standards that reasonably reflect current costs of average standards of living.

Sec. 6. R. S., T. 37, § 154, amended. The last sentence of section 154 of Title 37 of the Revised Statutes is repealed as follows:

~~Said proof shall contain a certificate from the Adjutant General of the State to the effect that such person was an honorably discharged soldier or sailor or the widow of an honorably discharged soldier or sailor.~~

Effective September 23, 1971

Chapter 16

AN ACT Relating to Witnesses in Workmen's Compensation Hearings.

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

R. S., T. 39, § 93, sub-§ 4, additional. Section 93 of Title 39 of the Revised Statutes, as amended by chapter 386 of the public laws of 1969, is further amended by adding a new subsection 4, to read as follows:

4. **Witnesses.** Upon agreement of the parties, a witness may be heard by a commissioner other than the one to whom the matter was originally referred and a transcript of his testimony shall be furnished the original commissioner. Such testimony shall have the same force and effect as if taken by deposition or if heard by the original commissioner.

Effective September 23, 1971

Chapter 17

AN ACT to Clarify and Revise the Maine State Retirement Law.

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

Sec. 1. R. S., T. 5, § 1001, sub-§§ 2-A and 10-A, additional. Section 1001 of Title 5 of the Revised Statutes, as amended, is further amended by adding 2 new subsections to read as follows:

2-A. Actuary. "Actuary" shall mean an individual or a partnership or corporation of actuaries.

10-A. Fiduciary. "Fiduciary" shall mean either a bank or professional investment management.

Sec. 2. R. S., T. 5, § 1031, sub-§ 1, amended. The 3rd sentence of subsection 1 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 59 of the public laws of 1967, is amended to read as follows:

Administrative duties shall be vested in the executive ~~secretary~~ director appointed under subsection 6.

Sec. 3. R. S., T. 5, § 1031, sub-§§ 2 and 6, amended. Subsections 2 and 6 of section 1031 of Title 5 of the Revised Statutes, as amended, are further amended to read as follows:

2. Expenses. The trustees ~~shall serve without compensation but they shall be reimbursed from the funds of the retirement system for all necessary expenses that they may incur through service on the board of trustees except that those trustees appointed by the Governor, or those who are not on administrative leave~~ and shall be entitled to a payment of \$35 per diem in addition to expenses when engaged in the performance of authorized retirement system duties.

6. Chairman; executive director; employees. The board of trustees shall elect from its membership a chairman and shall appoint an executive ~~secretary~~ director who shall engage such services as shall be required to transact the business of the retirement system. All such employees shall be considered as employees of the State and subject to all the provisions of state law regarding state employees and shall be employed under the rules and regulations established by the Personnel Board and shall receive such compensation as is provided by the rules and regulations of the Personnel Board for state employees in similar capacities. The necessary expenses incurred by the board and executive ~~secretary~~ director in the operation of the retirement system shall be paid from the funds so allocated. The board of trustees shall set the salary of the executive ~~secretary~~ director.

Sec. 4. R. S., T. 5, § 1031, sub-§ 7, amended. Subsection 7 of section 1031 of Title 5 of the Revised Statutes, is amended to read as follows:

7. Data. The executive ~~secretary~~ director shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

Sec. 5. R. S., T. 5, § 1031, sub-§ 8, amended. The 3rd sentence of subsection 8 of section 1031 of Title 5 of the Revised Statutes is amended to read as follows:

Whenever the board of trustees shall find it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, it may, subject to the approval of the executive ~~secretary~~ director and actuary, use estimates thereof on any basis which in its judgment is fair and just.

Sec. 6. R. S., T. 5, § 1031, sub-§ 15, amended. The first paragraph of subsection 15 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 4 of chapter 59 of the public laws of 1967, is amended to read as follows:

The board of trustees shall employ a ~~bank~~ fiduciary or fiduciaries located in New England or New York City for investment purposes and may employ other investment counsel or advice and other expert professional or other assistance as may be necessary or appropriate to aid in carrying out its functions.

Sec. 7. R. S., T. 5, § 1031, sub-§ 16, amended. The 3rd paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 5 of chapter 59 of the public laws of 1967, is amended to read as follows:

The executive ~~secretary~~ director, or such other person or persons as may be designated to the custodian by the board of trustees, shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require except that all withdrawals or delivery instructions shall bear the written approval of 2 other persons duly authorized by a resolution of the board of trustees.

Sec. 8. R. S., T. 5, § 1032, amended. The first paragraph of section 1032 of Title 5 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

The board of trustees shall make the final and determining decision on all matters pertaining to administration, actuarial recommendations, the reserves and the investments of the system.

Sec. 9. R. S., T. 5, § 1033, sub-§ 2, amended. The first sentence of subsection 2 of section 1033 of Title 5 of the Revised Statutes is amended to read as follows:

The executive ~~secretary~~ director of the retirement system shall, immediately following August 20, 1955, cause to be mailed by registered mail a written notice to each participating local district which was in the system as of July 1, 1955 setting forth the provisions of subsection 1.

Sec. 10. R. S., T. 5, § 1033, sub-§ 4, amended. Subsection 4 of section 1033 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 415 of the public laws of 1969, is amended to read as follows:

4. Registered mail. The executive ~~secretary~~ director of the retirement system shall cause to be mailed by registered mail a written notice to each participating local district, setting forth the changes as provided by this chapter.

Sec. 11. R. S., T. 5, § 1062, sub-§ 2, ¶ C, amended. The first paragraph of paragraph C of subsection 2 of section 1062 of Title 5 of the Revised Statutes, as amended by section 7 of chapter 59 of the public laws of 1967, is further amended to read as follows:

Subject to the approval of the executive ~~secretary~~ director, in addition to the contributions deducted from compensation as provided, any member may

deposit in the Members' Contribution Fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional amount of retirement allowance which, together with his prospective retirement allowance, will provide for him a total retirement allowance not in excess of $\frac{1}{2}$ of his average final compensation, at any eligible age.

Sec. 12. R. S., T. 5, § 1062, sub-§ 2, ¶ F, amended. Paragraph F of subsection 2 of section 1062 of Title 5 of the Revised Statutes, is amended to read as follows:

F. The executive ~~secretary~~ director of the retirement system ~~on or after July 1st of each year~~ will furnish to each member of the system ~~in service on July 1st of such year~~, upon request, a statement showing the amount of accumulated contributions to the member's credit in his individual account in the Members' Contribution Fund.

Effective September 23, 1971

Chapter 18

AN ACT Relating to Boards of Registration for Certain Municipalities Under Election Laws.

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

R. S., T. 21, § 43, amended. The first paragraph of section 43 of Title 21 of the Revised Statutes, as amended by section 3 of chapter 398 of the public laws of 1965, is further amended to read as follows:

In a city or town which has a population of ~~5,000~~ 4,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major parties and appointed by the municipal officers, and the 3rd member appointed by the Governor with the advice and consent of the Council ~~except that a city or town which has a population of 4,000 to 5,000 may, by vote of its legislative body, have a board of registration in lieu of a registrar of voters.~~

Effective September 23, 1971

Chapter 19

AN ACT Relating to Notification to Panel of Mediators in Labor Disputes.

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

R. S., T. 26, § 882-A, additional. Title 26 of the Revised Statutes is amended by adding a new section 882-A to read as follows: