

MAINE STATE LEGISLATURE

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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
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in both the quality and quantity of job opportunities in community services to consist of a Commissioner of Commerce and Industry appointed by the Governor with the advice and consent of the Council to serve at the pleasure of the Governor and Council and the following as heretofore created and established: the Department of Economic Development, the Economic Development Advisory Council, the Office of Municipal Coordinator, the State Technical Services Program, the Maine Industrial Building Authority, the Maine Municipal Securities Approval Board and the Maine Recreation Authority.

Sec. 2. Organization. The Joint Select Special Committee of the Legislature on Governmental Reorganization, with the assistance of the commissioner, shall prepare a plan of organization of the department into such bureaus, divisions and sections as may be necessary to carry out efficiently the work of the department. The committee, with the assistance of the commissioner, shall prepare legislation to be presented to a special session of the 105th Legislature to amend, repeal and rearrange statutes to reflect this department's powers, responsibilities and organization.

Directors of bureaus shall be appointed by the Governor, with the advice and consent of the Council, to serve at the pleasure of the Governor and Council.

The commissioner shall prepare a budget for the department in accordance with the Revised Statutes, Title 5, chapter 149.

The commissioner and the Joint Select Special Committee of the Legislature on Governmental Reorganization may recommend the legislation for the transfer from or to another state department such functions as would appear to properly belong to the other department or to his department. The commissioner shall have no powers or duties except those listed in this section.

Sec. 3. Effective date. This Act shall become effective 91 days after adjournment of the Legislature.

Effective September 24, 1971

Chapter 482

AN ACT Relating to Service Retirement of Teachers under State Retirement System.

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

Sec. 1. R. S., T. 5, § 1095, amended. Section 1095 of Title 5 of the Revised Statutes, as amended, is further amended by adding after the first paragraph a new paragraph to read as follows:

Each member shall, after January 1, 1972 make a contribution of earnable compensation to the retirement system as determined by the actuary as being necessary to meet the additional costs of granting the revised provisions of section 1122, subsection 1, paragraph B, as amended, and the prior service provisions for teachers in section 1121, subsection 2, paragraph A, subparagraph (2). The rate of contribution shall be set by the board of trustees and shall be reviewed annually by the actuary and the rate of contribution shall

be adjusted by the board of trustees if such adjustment is recommended by the actuary, but for the purposes of section 1121, subsection 2, paragraph A, subparagraph (2) and section 1122, subsection 1, paragraph B, as amended, the contribution rate shall not exceed 5.7% of the member's earnable compensation.

Sec. 2. R. S., T. 5, § 1121, sub-§ 2, ¶ A, sub-¶ (2), amended. Subparagraph (2) of paragraph A of subsection 2 of section 1121 of Title 5 of the Revised Statutes, is amended to read as follows:

(2) If he has a prior service certificate in full force and effect, $\frac{1}{50}$ of his average final compensation multiplied by the number of years, not to exceed 25, of his prior service or, if the member was formerly subject to the Revised Statutes of 1944, chapter 37, sections 212 to 241, ~~$\frac{1}{70}$~~ $\frac{1}{60}$ of his average final compensation multiplied by the number of years of his prior service. Adjustments in benefits already being paid under this section shall be made by the board of trustees by applying a uniform $16 \frac{2}{3}\%$ of benefits currently being paid for prior service under this subsection, said adjustment will be effective on the first monthly payroll of January, 1972.

Sec. 3. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended. Paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as amended by sections 7 and 8 of chapter 415 of the public laws of 1969, is further amended by adding at the end the following new paragraphs:

Except that any member, whose application for a disability retirement allowance is approved and who has 25 or more years of creditable service and who has not attained age 60, shall be entitled to a disability retirement allowance, the computation for which shall be 90% of $\frac{1}{60}$ of his average final compensation multiplied by the number of years which would be creditable to him were his creditable service to include the period from the time of retirement to the attainment of age 60. If the member has 30 or more years of creditable service and is retired for reasons of disability prior to the attainment of age 60 under a service retirement allowance determined in accordance with section 1121, such retirement allowance shall not be subject to the reduction prescribed by section 1121, subsection 3 for service retirement prior to the attainment of age 60, provided that the member prior to retirement undergo the medical examination required for approval of retirement for ordinary disability under paragraph A, and, subsequently until attainment of age 60, undergo the periodic medical examinations required of persons retired for disability under subsection 3.

Any recipient of a disability retirement allowance at the effective date of this Act shall be entitled to a review and a recomputation of benefits and if this amount is greater than that being paid then an adjustment shall be made, without retroactivity, and shall become effective on the first day of the next following month.