

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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

1973

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condemned by the commissioner or the Commissioner of Inland Fisheries and Game and euthanized without indemnity.

Whoever violates this section shall be punished by a fine or imprisonment as provided in section 1706.

Effective October 3, 1973

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## CHAPTER 122

### AN ACT to Clarify Certain Provisions of the Maine State Retirement Law.

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

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1, amended.** The next to the last sentence of subsection 1 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 59 of the public laws of 1967, is amended to read as follows:

Each member of the board shall serve for a term of 3 years ~~except that those board members who were elected by the Maine State Employees' Association and the Maine Teachers' Association shall continue as trustees for the duration of the terms to which each was so elected.~~

**Sec. 2. R. S., T. 5, § 1061, sub-§ 1, amended.** The first sentence of subsection 1 of section 1061 of Title 5 of the Revised Statutes, as repealed and replaced by section 6 of chapter 59 of the public laws of 1967, is amended to read as follows:

The members of the board of trustees shall be the trustees of the several funds created by this chapter and shall be authorized to cause such funds to be invested and reinvested ~~by a bank fiduciary~~ in accordance with the prudent man rule subject to periodic approval of the ~~bank's~~ investment program by the trustees.

**Sec. 3. R. S., T. 5, § 1122, sub-§ 5, amended.** Subsection 5 of section 1122 of Title 5 of the Revised Statutes is amended to read as follows:

**5. Disability payments under other laws.** Any amounts which may be paid or payable ~~by the State~~ under any workmen's compensation or similar law except amounts which may be paid or payable under Title 39, section 56, to or on account of any member or retired member on account of any disability shall be offset against the amount of any retirement allowance payable under this section on account of the same disability.

**Sec. 4. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), amended.** Subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes is 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 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~~ a disability allowance as provided in section 1122 and any lump sum due under section 1122 shall be paid into the Survivors' Benefit Fund, except that any member who has been restored to service after having been a recipient of a disability retirement allowance or a service incurred disability retirement allowance shall be exempted from the requirement that the member must have had at least 18 months of creditable service prior to date of death.

**Sec. 5.** R. S., T. 5, § 1124, sub-§ 3, amended. Subsection 3 of section 1124 of Title 5 of the Revised Statutes is amended to read as follows:

3. **Election of designated beneficiary.** Should a member die any time after attaining eligibility for retirement under any of the provisions of this chapter, but before any election in accordance with section 1126 becomes effective, the designated beneficiary if a spouse, child or children, mother or father may elect to receive either the benefits provided under subsection 1 or those provided under subsection 2, paragraph A or B but not both, provided that the member and the designated beneficiary must comply with each condition set forth in the subsection providing the benefits which are elected by the designated beneficiary.

**Sec. 6.** R. S., T. 5, § 1128, amended. The last sentence of section 1128 of Title 5 of the Revised Statutes, as enacted by chapter 66 of the public laws of 1969, is amended to read as follows:

This provision shall apply only if the teacher is eligible to retire under any of the provisions of this Title on the date that a general salary adjustment to state employees becomes effective, and submits a letter of intent to retire upon fulfillment of said contract and which letter shall be countersigned by the pertinent superintendent of schools, headmaster of an academy or other comparative appointing authority, and in possession of the board of trustees no later than the date on which the general salary adjustment is effective to state employees.

Effective October 3, 1973

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## CHAPTER 123

### **AN ACT** Relating to Purchase of Back Service Credits for Local Participating Districts and Individual Employees under Maine State Retirement System.

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

R. S., T. 5, § 1092, sub-§ 11, amended. Subsection 11 of section 1092 of Title 5 of the Revised Statutes is amended by adding a new paragraph at the end to read as follows:

Any member of a participating local district who has served in any participating local district or any unit of the State which might be considered eligible for membership in the Maine State Retirement System as a participating local district shall have the right to purchase, by mutual agreement