

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

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THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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tually made to him during his lifetime, which is the actuarial equivalent of such accumulated contributions, shall be paid in a lump sum to such person, if any, as he has nominated by written designation duly acknowledged and filed with the board of trustees, otherwise his estate.

Each person receiving a retirement allowance shall become entitled to a recomputation of benefits based upon the change in formula provided by this chapter and such amount, exclusive of retirement allowance adjustments as granted under section 1128, shall be paid. Said recomputation and payments therefor shall become effective ~~on January 1, 1970~~ as of the first day of the month following the effective date of this Act. Such adjustments as may have been granted under section 1128 shall not be changed, improved or impaired.

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 ~~1/60~~ 1/50 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 September 23, 1971~~ on 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.

Effective October 3, 1973

CHAPTER 543

AN ACT to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act.

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

Sec. 1. R. S., T. 39, § 54, amended. The first paragraph of section 54 of Title 39 of the Revised Statutes, as amended, is further amended to read as follows:

While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary but not more than $\frac{2}{3}$ of the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than ~~\$18~~ \$25 weekly; and such weekly com-

pensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury. In the following cases it shall, for the purposes of this Act, be conclusively presumed that the injury resulted in permanent total incapacity; the total and irrevocable loss of sight of both eyes, the loss of both hands at or above the wrist, the loss of both feet at or above the ankle, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the arms or legs or an injury to the skull resulting in incurable imbecility or insanity. In the event of such permanent total incapacity, the employer shall pay the employee a weekly compensation equal to $\frac{2}{3}$ his average gross weekly wage, earnings or salary but not more than ~~$\frac{2}{3}$ of~~ the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than ~~\$18~~ \$25 weekly; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury. If the said totally incapacitated employee dies, as a result of this injury, leaving dependents who were dependent upon his earnings at the time of his accident, then payment shall be made to said dependents in accordance with the procedures established by section 58.

Sec. 2. R. S., T. 39, § 55, amended. Section 55 of Title 39 of the Revised Statutes, as last repealed and replaced by section 140 of chapter 622 of the public laws of 1971, is amended to read as follows:

§ 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ the difference, due to said injury, between his average gross weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than ~~$\frac{2}{3}$ of~~ the average weekly wage in the State of Maine as computed by the Employment Security Commission; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury; and in no case shall the period covered by such compensation be greater than 325 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.

Sec. 3. R. S., T. 39, § 58, amended. The first paragraph of section 58 of Title 39 of the Revised Statutes, as repealed and replaced by section 6 of chapter 408 of the public laws of 1965 and as amended, is further amended to read as follows:

If death results from the injury, the employer shall pay the dependents of the employee, dependent upon his earnings for support at the time of his accident, a weekly payment equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary, but not more than ~~$\frac{2}{3}$ of~~ the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than ~~\$18~~ \$25 weekly, from the date of death, until such time as provided for in the following paragraph. Such weekly compensation shall be adjusted

annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission as it did at the time of the injury.

Sec. 4. Effective date. This Act shall become effective November 30, 1974.

Effective November 30, 1974

CHAPTER 544

AN ACT Creating Androscoggin County Commissioner Districts.

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

Sec. 1. R. S., T. 30, § 105-I, additional. Title 30 of the Revised Statutes is amended by adding a new section 105-I, to read as follows:

§ 105-I. Creation of Androscoggin County Commissioner Districts

Androscoggin County shall be divided into the following 3 districts:

Commissioner District number 1, consisting of the municipalities of Durham, Greene, Leeds, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales and Ward 2 of Lewiston.

Commissioner District number 2, consisting of the municipality of Auburn.

Commissioner District number 3, consisting of Wards 1, 3, 4, 5, 6 and 7 of the municipality of Lewiston.

Members of the board of commissioners shall be residents of the Commissioner District which they represent and shall be elected by the voters of the county.

Sec. 2. Transition. The transition to the Androscoggin County Commissioner District system shall be made in the following manner:

In 1974, a commissioner shall be elected from District number 2. In 1976, a commissioner shall be elected from District number 1. In 1978, a commissioner shall be elected from District number 3. Thereafter, elections shall continue in a manner so that each district shall at all times be represented on the board of commissioners.

Effective October 3, 1973