

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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graph shall be divided equally among the beneficiaries; or

C. If there is no spouse alive at the time of the death of the member, the child or children, as defined by section 1001, subsection 6, of the member shall be paid an annual sum equal to the average final compensation of the member until the youngest surviving child becomes ineligible to receive benefits under section 1001, subsection 6. This sum shall be paid in equal monthly installments commencing the first month after the death occurs.

If a retiree receiving a disability retirement allowance dies as the result of an injury arising out of and in the course of his employment while a member of the retirement system, the benefits shall be paid to his spouse and child or children.

Sec. 2. 5 MRSA §1125, as amended by PL 1983, c. 146, §§3 and 4, is further amended by adding at the end a new paragraph to read:

The amount payable under this section shall be reduced by any amount received by the spouse and child or children under Title 39, the Workers' Compensation Act, or similar law. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection shall be prorated on a monthly basis in an equitable manner prescribed by the board of trustees. The prorated lump-sum settlement amounts shall reduce the accidental death benefits payable monthly under this subsection.

Effective September 19, 1985.

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## CHAPTER 62

H.P. 325 - L.D. 442

AN ACT to Clarify Restoration to Service  
Provisions for Recipients of  
Disability Allowances and Recipients  
of Retirement Allowances.

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

Sec. 1. 5 MRS A §1001, sub-§19-A is enacted to read:

19-A. Restoration to service. "Restoration to service" means that a retired state employee or teacher has accepted employment as either a state employee or teacher, or that a retired participating local district employee has accepted employment as either a state employee or teacher, or that a retired participating local district employee has accepted employment with the participating district from which he had retired. Election to the Legislature is not considered restoration to service.

Sec. 2. 5 MRS A §1123, as amended by PL 1979, c. 663, §§16 and 17, is repealed and the following enacted in its place:

§1123. Restoration to service

1. Disability retirement allowance recipients. If any recipient of a disability retirement allowance is restored to service, and if the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceeds his average final compensation at retirement, subject to the percentage adjustments that have been received under section 1128, the excess shall be deducted from the disability retirement allowance payments during the next calendar year. Those deductions shall be prorated on a monthly basis over the year or part of the year for which benefits are received in an equitable manner prescribed by the board of trustees. The disability retirement allowance recipient shall be responsible for reimbursing the Maine State Retirement System for any excess payments not so deducted. If the retirement allowance payments are thereby eliminated, the recipient shall again become a member of the retirement system and he shall contribute thereafter at the current rate. When that member subsequently again retires, he shall receive such benefits as may be computed on his entire creditable service and in accordance with the then existing law.

2. Service retirement allowance recipient. If any recipient of a service retirement allowance is restored to service, and if the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceeds his average final compensation at retirement, subject to those percentage adjustments that have been received under section 1128, the excess shall be deducted from the

service retirement allowance payments during the next calendar year. Those deductions shall be prorated on a monthly basis over the year or part of the year for which benefits are received in an equitable manner prescribed by the board of trustees. The service retirement allowance recipient shall be responsible for reimbursing the Maine State Retirement System for any excess payments not so deducted. If the retirement allowance payments are eliminated, he shall again become a member of the retirement system and he shall contribute thereafter at the current rate and when that member subsequently again retires, he shall receive such benefits as may be computed on his entire creditable service and in accordance with the then existing law.

Effective September 19, 1985.

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## CHAPTER 63

S.P. 386 - L.D. 1056

AN ACT Making Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1985, and June 30, 1986.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to June 30, 1985; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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