

# 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)

**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 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

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

---

J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

---

---

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

AS PASSED AT THE  
FIRST REGULAR SESSION  
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

---

---

3. Salary increases approved by the Legislative Council for legislative employees not subject to the collective bargaining process.

Any available resources in a lapsing account within the Department of Human Services shall be used toward making the retroactive payments for the Caseworkers and Income Maintenance Workers reclassifications. Reclassifications and salary increases for employees in other than the General Fund or the Highway Fund shall be paid from the fund in which the position is authorized.

Sec. 26. Vacant positions. No later than February 25th of each year the State Budget Officer shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list by program by fund of those positions that have been vacant for 6 months or more as of December 31st of the preceding year.

Sec. 27. Community development interim financing. There is allocated to the Conditional Commitment Account within the Federal Block Grant Fund \$7,000,000 for the fiscal year beginning July 1, 1985, and ending June 30, 1986, and \$7,000,000 for the fiscal year beginning July 1, 1986, and ending June 30, 1987, for the purpose of implementing the Interim Financing Program.

Sec. 28. Matching funds; Justice Assistance Act. Any general fund money appropriated for fiscal years 1985-86 and 1986-87 for Justice-Planning, Project and Statistics for Juvenile Justice and not appropriated for personal services may be used to match funds made available to the State pursuant to the Justice Assistance Act of 1984, Public Law 98-473, Chapter 6.

Sec. 29. Funds to be made available to Bureau of Health. The Department of Labor shall make available to the Bureau of Health funds sufficient to perform its responsibilities as required by the Maine Revised Statutes, Title 26, chapter 22.

Effective September 19, 1985.

---

---

## CHAPTER 502

S.P. 243 - L.D. 638

AN ACT Relating to the Allowance of Prior  
Service Credit under the Maine  
Retirement Law for Military Service.

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

5 MRSAs §1094, sub-§13, as amended by PL 1981, c. 217, is repealed and the following enacted in its place:

13. Military service credit. Military service shall be credited as follows.

A. Anything to the contrary notwithstanding, military service shall be credited to all state employees who are unable to otherwise qualify for military service credits. A state employee shall be entitled to this credit only if at point of retirement he shall have at least 15 years of creditable service in the State Retirement System. The member shall contribute to the retirement system for each year of military service claimed that percentage of contribution required of active members during the period of time covered by the military service applied to the earnable compensation paid that member during the first year of state employment subsequent to service in the Armed Forces of the United States, together with interest at 2% greater than regular interest from January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date of payment; 5% shall be the minimum rate of contribution. In the event 2 or more percentages of contribution were in effect during the period of military service, the greatest percentage of contribution shall govern. Credit for military service under this subsection shall be limited to 4 years. Credit shall be available to those persons who were separated under conditions other than dishonorable from the Armed Forces of the United States.

A local district may elect, with regard to special retirement plans under section 1092, subsection 3 and section 1121, subsections 4, 8 and 9, that military service credits under this subsection shall only apply to additional retirement benefits under section 1092, subsection 3-A, and shall not apply to age or service requirements of retirement. Nothing in this paragraph may be construed to affect in any way the rights of public employees to collectively bargain for terms and conditions of employment.

It is the intent that these provisions shall apply to all persons, active or retired, but that for those already retired the effective date of any adjustment shall be not earlier than that

date on which such time or credit is certified to the Maine State Retirement System. This subsection shall not apply to any member who begins membership on or after January 1, 1976.

B. Any member not entitled to receive military service credit pursuant to paragraph A or section 1091, subsection 6, who served on full-time active duty as a member of the Armed Forces of the United States at any time from August 5, 1964, to May 7, 1975, and was separated under conditions other than dishonorable, may be granted creditable service for that military service. Credit for military service under this paragraph shall be limited to 4 years. A member shall be entitled to this credit only if at point of retirement he shall have at least 15 years of membership service and is unable to qualify for military service credits or benefits from any other retirement plan, according to the rules established by the board of trustees. The member shall contribute to the retirement system for the period of military service at the rate prescribed by section 1095 applied to his earnings during the 12 months preceding the month in which he pays or begins payment of the required contributions. Interest at a rate not to exceed regular interest by more than 5 percentage points as set by the board shall be paid on the unpaid balance from the first day of the month in which the member begins payment to the date payment is completed. A participating local district that has adopted paragraph A as part of its plan may adopt this paragraph as part of its plan and may elect, with regard to special retirement plans under section 1092, subsection 3 and section 1121, subsections 4, 8 and 9, that military service credit under this subsection shall apply only to additional retirement benefits under section 1092, subsection 3-A and shall not apply to service requirements of retirement. Nothing in this paragraph may be construed to affect in any way the rights of public employees to bargain collectively for terms and conditions of employment. This paragraph shall not apply to any member who begins membership after December 31, 1987.

Effective September 19, 1985.

---

---