

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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 Company**  
**Augusta, Maine**  
**1995**

available to any person except the trustees and officers of the corporation and, in the case of a personnel file, the employee to whom the file refers.

**Sec. 13. Membership fee assessments.**

The provisions of this Act governing membership fee assessments by the corporation apply to all members. They replace any existing provisions for assessments. However, any assessments or other charges owed before the effective date of this Act remain valid debts and are enforceable pursuant to the provisions of this Act. For the purposes of this section, assessments or other charges are considered owed if and to the extent that at the time of assessment a member's deed contained provision for the assessment or was subject to a condition for the assessment and the corporation has not in writing waived application of the provision or condition.

**Sec. 14. Inconsistent provisions of existing articles and bylaws.** The provisions of any existing articles of incorporation, bylaws or rules and regulations and the provisions of any contracts, deeds or covenants of Lake Arrowhead Community, Inc., that are inconsistent with the provisions of this Act are abrogated to the extent of that inconsistency.

**Sec. 15. Acceptance of provisions.** Before the provisions of this Act may be implemented by the corporation, the Act must be accepted by a majority of the members voting in person or by absentee ballot at an annual or special meeting of the corporation. Except as provided in this section, notice and conduct of the meeting must be as provided in this Act and the corporation's bylaws. Written notice of the meeting must include a copy of this Act and an absentee ballot, with a return envelope addressed to the president of the corporation, containing a statement to be signed by an absentee voter verifying that the absentee voter has cast a vote. The corporation must bear any costs related to the meeting. If a special meeting is called to approve the provisions of this Act, that meeting must be called by the current directors of the corporation. The ballot question must be:

"Do you favor acceptance of 'An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead Community, Incorporated,' as passed by the First Regular Session of the 117th Legislature?"

If a majority of all the voters voting at the meeting or by absentee ballot votes in favor of accepting the Act, then it takes effect upon filing of a certification of the results by the president of the corporation with the Secretary of State. The provisions of this Act may be submitted to the members for approval under this section no more than once in any calendar year. Approval under this section must be attained before September 1, 1996.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved for the purpose of calling a meeting of Lake Arrowhead Community, Inc., for voting upon the acceptance of this Act. If this Act is accepted by a majority of the members voting at a legal meeting called for that purpose, then the Act takes effect in its entirety upon filing of the certification of the results of the voting with the Secretary of State.

Effective June 27, 1995, unless otherwise indicated.

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**CHAPTER 38**

**H.P. 1078 - L.D. 1520**

**An Act to Amend the Earnings Limitations under the Disability Plan**

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

**Whereas,** the enactment of Maine State Retirement System Rule, Chapter 508 became effective on March 22, 1994; and

**Whereas,** the enactment of this rule was necessary to bring the administration of the "Section 1122" disability plan into compliance with the governing law; and

**Whereas,** the law and rule create hardship for many "Section 1122" disability recipients by severely limiting the amount of money these disability recipients can earn without a reduction in their disability retirement benefits; and

**Whereas,** other disability plans administered by the Maine State Retirement System by law have more generous earnings limitations than the "Section 1122" disability plan; and

**Whereas,** enactment of this Act will amend the Maine State Retirement System laws to provide similar earnings limitations in all disability plans; 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:**

**Sec. 1. Review for capacity to engage in gainful occupation.** If the executive director of the

Maine State Retirement System, when determining the retirement allowance for a person who has been awarded and continues to receive disability benefits under the Maine Revised Statutes, Title 5, former section 1122 and for a participating local district that did not adopt the disability retirement plans established by Public Law 1989, chapter 409 or Public Law 1975, chapter 622, finds that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between the disability beneficiary's retirement allowance and the disability beneficiary's average final compensation at retirement, then the disability beneficiary's allowance must be reduced to an amount that, together with the amount earnable by the disability beneficiary, equals the disability beneficiary's average final compensation at retirement. If the executive director finds that the disability beneficiary's earning capacity is later changed, then the executive director may modify the disability beneficiary's retirement allowance. The modified retirement allowance may not exceed the amount of the retirement allowance originally granted plus any cost-of-living adjustments the disability beneficiary would have been eligible to receive had the beneficiary continued to receive the full allowance from the date it was first awarded. For the purpose of this section, "retirement allowance" means the allowance payable without optional modification as provided in Title 5, section 17803 or section 18404.

**Sec. 2. Review for annual earnings.** The Maine State Retirement System shall review the annual earnings of a person who is the recipient of disability retirement benefits who receives compensation in any year from engaging in a gainful activity. If the Maine State Retirement System finds that the compensation exceeds the greater of \$10,000 or the difference between the recipient's disability retirement benefit for that year and the recipient's average final compensation at the time that the person became a recipient of a disability retirement benefit, then the retirement system must:

1. Reduce the disability or service retirement benefits by the excess for the next calendar year; and
2. Prorate the reduction on a monthly basis in an equitable manner prescribed by the Board of Trustees of the Maine State Retirement System over the year or part of the year during which the benefits are received.

The beneficiary shall reimburse the Maine State Retirement System for any excess not deducted by the retirement system.

**Sec. 3. Methodology.** The Maine State Retirement System is directed to devise a proposed methodology and plan that would consolidate the Section 1122, Article 3 and Article 3-A disability plans currently administered by the Maine State

Retirement System into a single pooled plan modeled after the Article 3-A plan. The proposed plan must include transition provisions for participating local districts that have not yet adopted Article 3 or Article 3-A disability plans. This new methodology and unified plan must be presented to the joint standing committee of the Legislature having jurisdiction over labor matters before adjournment of the 2nd Regular Session of the 117th Legislature and must contain proposed legislation to accomplish the consolidation of the 3 disability plans into one pooled plan.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 27, 1995.

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## CHAPTER 39

### S.P. 530 - L.D. 1447

#### An Act to Create the Hebron Village Water District

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

**Sec. 1. Territorial limits; corporate name; purposes.** The inhabitants and territory of that part of the Town of Hebron in Oxford County comprised of the area beginning at the point of the intersection of the center line of the Central Maine Power Company transmission line right of way and the Hebron and Oxford town lines; thence easterly along the Hebron-Oxford town line a distance of .31 miles, more or less, to a point at the intersection of the town line with the Hebron Road; thence easterly on a line parallel with the southerly sideline of Route 119 and equidistant .22 miles, more or less, from Route 119 as the aforementioned point of intersection of said town line with the Hebron Road, a distance of approximately 1.15 miles to the center line of Collins Road, now known as Old County Road; thence southeasterly a distance of .29 miles, more or less, to the center line of Route 119 at a point two hundred feet from the southeasterly corner of the Hebron Fire Station building; thence northeasterly, a distance of .50 miles, more or less, to the point of intersection of Cushman Hill Road and the stream known as Middle Branch; thence northerly along said Branch, a distance of .76 miles, more or less, to the point of intersection of said brook with the center line of the Central Maine Power Company transmission line right of way; thence along the center line of said transmission line right of way .86 miles, more or less, in a westerly direction and then, continuing along the center line of the transmission line right of way, 1.2 miles, more or less, in a southwesterly direction to the point of