

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)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Chapter 63.

Personnel Law.

Sec. 17. Preference in state employment for veterans.

II. Ten-point preference is a term applying to veteran preference which entitles the holder to an addition of 10 points to earned qualifying ratings in examination. The classes of 10-point preference are as follows:

A. Disability preference applies to honorably discharged veterans who establish by official records the present existence of a service-connected disability, and who are certified by the veterans administration to be disabled with a disability rating of more than 0%.

B. When veterans entitled to disability preference on the basis of service-connected disability cannot be directly benefited thereby because of being disqualified for appointment by reason of the physical disability on which the preference is based, 10-point preference may be granted to their wives instead. This constitutes "wife preference."

C. Ten-point preference is accorded to unmarried widows of deceased veterans who died while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities.

D. Ten-point preference is accorded to mothers, (who are widowed, divorced, separated, or whose husbands are permanently and totally disabled,) of veterans who died while in the active service of the armed forces during any war, or who died as a result of service-connected disabilities.

The term "veteran" as used in this section shall mean a person, male or female, who served in the active service of the United States' armed forces for a period of not less than 90 days during a period of war in which the United States has been, or is, engaged; and who has been discharged or released therefrom under honorable conditions. (1955, c. 195, §§ 1, 2)

III. Korean campaign, June 27, 1950, and before February 1, 1955. (1953, c. 174, 1955, c. 147, § 2)

Effect of amendments.—The first 1955 amendment substituted at the end of subsection III "and before February 1, 1955," for the words "until such time as the United States decrees hostilities to have ceased." The second 1955 amendment added paragraph D to subsection II and

inserted in the paragraph defining "veteran" in subsection II the words "for a period of not less than 90 days." As the rest of the section was not changed by the amendments only subsections II and III are set out.

Sec. 17-A. Reopen open competitive examinations.—Veterans with the present existence of a service-connected disability to a compensable degree, wives of disabled veterans who qualify for 10 points preference under paragraph B of subsection II of section 17, unmarried widows of deceased veterans who qualify for 10 points preference under paragraph C of subsection II of section 17 and mothers (who are widowed, divorced, separated or whose husbands are permanently and totally disabled) of veterans who died while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement. If no eligible register resulted from a published announcement, applicants as above qualified may file an application for and reopen an open competitive examination within 3 years of the closing date of the published announcement, provided in all instances that the applicant had not previously made application for the examination under conditions of the published announcement. In the event positions in the classified service are held other than by permanent or probationary employees, applicants as above qualified may file application for an examination to be an-

nounced and opened. Examinations shall be conducted for such applicants not later than the quarterly period succeeding that in which the application has been filed with the Maine state department of personnel. (1955, c. 192.)

Chapter 63-A.

Maine State Retirement System.

Sec. 1. Definitions.—"Accumulated contributions" shall mean the sum of all the amounts credited to a member's individual account in the members' contribution fund, together with regular interest thereon, as provided in section 15.

"Actuarial equivalent" shall mean a benefit of equal value when computed at regular interest upon the basis of such mortality and service tables as the board of trustees shall adopt.

"Average final compensation" shall mean the average annual rate of earnable compensation of a member during the 5 years of creditable service as an employee in Maine, not necessarily consecutive, in which such average annual rate of earnable compensation is highest, or during his entire period of creditable service if such period is less than 5 years.

"Beneficiary" shall mean any person in receipt of a benefit as provided by this chapter.

"Board of trustees" shall mean the board provided for in section 13 to administer the retirement system.

"Creditable service" shall mean membership service plus prior service.

"Department" shall mean any department, commission, institution or agency of the state government.

"Earnable compensation" shall mean actual compensation, including maintenance if any. In cases where compensation includes maintenance, the board of trustees shall fix the value of that part of the compensation not paid in money.

"Employee" shall mean any regular classified or unclassified officer or employee in a department, including teachers in the state teachers' colleges, normal schools and Madawaska training school, and for the purposes of this chapter, teachers in the public schools, but shall not include any member of the state legislature or the council or any judge of the superior court or supreme judicial court who is now or may be later entitled to retirement benefits under the provisions of section 5 of chapter 103 and section 3 of chapter 106, nor shall it include any member of the state police who is now entitled to retirement benefits under the provisions of sections 22 and 23 of chapter 15. Persons serving during any probationary period required under the Maine state personnel law and rules of the state personnel board shall be deemed regular employees for purposes of this definition. In all cases of doubt, the board of trustees shall determine whether any person is an employee as defined in this chapter.

"Member" shall mean any employee included in the membership of the retirement system, as provided in section 3.

"Membership service" shall mean service rendered while a member of the retirement system for which credit is allowable under the provisions of section 4.

"Out-of-state service" shall mean service rendered as an employee of any state of the United States, except Maine, or of any political subdivision of any such state.

"Prior service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under the provisions of section 4.

"Public school" shall mean any public school conducted within the state under the authority and supervision of a duly elected board of education or superintending school committee and any day school which received any direct state aid in 1950, and municipal tuition funds amounting to at least twice the amount of such state aid, during the same year.