

# 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)

---

---

ONE HUNDRED AND FIFTH LEGISLATURE

---

---

Legislative Document

No. 199

---

---

H. P. 144

House of Representatives, January 14, 1971

Referred to Committee on Veterans and Retirement. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Lincoln of Bethel.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

---

---

AN ACT Relating to Disability Retirement under Maine Retirement System.

---

---

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

Sec. 1. R. S., T. 5, § 1122, sub-§ 1, ¶ A, amended. The first 2 sentences of paragraph A of subsection 1 of section 1122 of Title 5 of the Revised Statutes are amended to read as follows:

Upon the filing, with the board of trustees, of an application by a member in service or by his department head, any member who has had ~~40~~ 5 or more years of creditable service, and has not attained age ~~60~~ 55, may be retired on a disability retirement allowance, provided the medical board, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that he should be retired. Except that any member who has had ~~40~~ 5 or more years of creditable service, and has not attained age ~~60~~ 55, and who has separated from service due to illness or injury may apply for a disability retirement allowance and may become entitled to such benefits if the medical board and the board of trustees are supplied with evidence that the cause of the disability originated while the member was in service.

Sec. 2. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended. The first sentence of the 2nd paragraph of paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as amended by section 7 of chapter 415 of the public law of 1969, is further amended to read as follows:

An amount equal to 90% of 1/60 of his average final compensation multiplied by the number of years of his creditable service, if such retirement allowance exceeds ~~25%~~ 50% of his average final compensation; otherwise an amount

equal to ~~25%~~ 50% of his average final compensation, provided such allowance shall not exceed 90% of 1/60 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~~ 55.

**Sec. 3. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended.** The 2nd sentence of the 3rd paragraph of paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as enacted by section 8 of chapter 415 of the public laws of 1969, is amended to read as follows:

Said recomputation and payments therefor shall become effective on January 1, ~~1970~~ 1972.

**Sec. 4. R. S., T. 5, § 1122, sub-§ 1, ¶ C, amended.** The first sentence of paragraph C of subsection 1 of section 1122 of Title 5 of the Revised Statutes is amended to read as follows:

Any person who attains age ~~60~~ 55 while a recipient of a disability retirement allowance in accordance with paragraph A shall be entitled to a recomputation of benefits as provided in section 1121 and shall be paid that amount which is greater.

**Sec. 5. R. S., T. 5, § 1122, sub-§ 3, amended.** Subsection 3 of section 1122 of Title 5 of the Revised Statutes is amended to read as follows:

**3. Medical examinations.** Once each year during the first 5 years following the retirement of a member on a disability retirement allowance, and once in every 3-year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary who has not attained age ~~60~~ 50 to undergo a medical examination by the medical board or by a physician or physicians designated by the medical board, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not attained age ~~60~~ 55 refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of trustees.

### STATEMENT OF FACT

This bill seeks to broaden the coverage for disability retirement through reducing the number of years for eligibility. It further seeks to adjust the benefits under this subsection and to adjust the minimum retirement age to be consistent with other proposals reducing same to 55.