

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE (Filing No. S-269)  
108TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 428, L.D. 1486, Bill,  
"AN ACT to Protect the State Retirement System from the Cost  
of Abnormal Disability Claims."

Amend the Bill by striking out everything after the  
title and inserting in its place the following:

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

Whereas, this Act amends a section of P.L. 1975,  
chapter 622, which will become effective July 1, 1977; and

Whereas, this Act should also become effective July 1,  
1977; 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. 5 MRSA §1122, sub-§1/ <sup>1st sentence,</sup> as repealed and replaced  
by PL 1975, c. 622, §54, is amended to read:

Any eligible member who, while in service and prior to attaining  
age 60 or reaching mandatory retirement age, without extensions,

if earlier, has become mentally or physically incapacitated to such an extent that it is impossible for him to perform the duties of his employment position, may if such incapacity can be expected to be permanent, retire on a disability retirement allowance upon written application to the executive director and approval

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the application by the executive director.

Sec. 2. 5 MRSA §1122, sub-§1-A is enacted to read:

1-A. Eligibility for disability.

A. Members with less than 5 years continuous creditable service immediately preceding their application for a disability allowance are not eligible for that disability retirement allowance if that disability is the result of a physical or mental condition which existed prior to the persons latest membership in the system, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty.

B. Any person who becomes a member of the system on or after July 1, 1977, shall submit a statement of his health to the executive director on forms prescribed by the executive director. If the executive director determines that additional information is necessary to determine the extent of any pre existing disability of the employee, the executive director may require that a medical examination or tests be submitted as evidence of that employee's health. Any such examination or tests shall be conducted at a place mutually

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agreed upon and the costs thereof shall be paid by the re-  
irement system. This statement of health or examination or  
test result shall only be utilized in determining eligibility  
for a disability retirement allowance pursuant to paragraph  
A. Any member subject to this paragraph who does not submit  
a statement of health as required, prior to his application  
for disability benefits in accordance with this section, will  
not be eligible for those benefits unless he establishes to  
the satisfaction of the executive director that he meets the  
qualifications of paragraph A.

Emergency Clause. In view of the emergency cited in the pre-  
amble, this Act shall take effect July 1, 1977.

~~STATEMENT OF FACT~~

This amendment provides for a statement of health for all  
new employees after July 1, 1977. A physical examination may also  
be required, if necessary, at state cost, to help determine the ex-  
tent of any pre-existing disabilities. It provides for a five year  
waiting period after employment for an employee to be eligible for  
disability benefits for disabilities related to a pre-existing  
medical condition, unless such disability was received in the line  
of duty.

The bill, as amended, does not affect disability benefits which are not related to a previous disability. Also, any employee with 5 years of continuous creditable service immediately preceding his application for a disability benefit is eligible for a disability benefit regardless of any line-of-duty determination and regardless of the injury's relationship to any preexisting condition.

Reported by the Committee on Veterans and Retirement.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 17, 1977

(Filing No. S-269)