

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 122

6
7 H.P. 97

House of Representatives, January 22, 1985

8 Reference to the Committee on Aging, Retirement and Veterans
9 suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McPherson of Eliot.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Relating to a 5-year Review Period
18 under the Retirement Laws.
19

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

22 5 MRSA §1122, sub-§4, as amended by PL 1977, c.
23 564, §33, is further amended to read:

24 4. Continuance of disability retirement allow-
25 ance. Payment of a disability retirement allowance
26 shall continue, subject to subsection 3, as long as
27 the incapacity of the beneficiary to perform the du-
28 ties of his employment position continues, ~~except~~
29 ~~that, after the disability has continued for 5 years,~~
30 ~~the incapacity of the beneficiary must also be such~~
31 ~~that he is unable to engage in any substantially~~
32 ~~gainful activities for which he is qualified by~~
33 ~~training, education or experience.~~ The executive di-
34 rector may require, once each year, a beneficiary who
35 is receiving a disability retirement allowance to un-
36 dergo medical examinations or tests conducted by a

1 qualified physician, who shall be mutually agreed
2 upon by the director and member, for the purpose of
3 determining the incapacity of the beneficiary. Any
4 such examination or tests shall be conducted at a
5 place mutually agreed upon and the costs thereof
6 shall be paid by the retirement system. Should the
7 beneficiary refuse to submit to any such examination
8 or tests, his disability retirement allowance shall
9 be discontinued until his withdrawal of such refusal,
10 and should his refusal continue for one year, all his
11 rights to any further benefits under this section
12 shall cease. If it is determined on the basis of any
13 such examination or tests that the incapacity of a
14 beneficiary has ceased, the payment of his disability
15 retirement allowance shall terminate.

16 For the purpose of this subsection, the disability
17 beneficiary's average final compensation at retire-
18 ment, used to determine his earning capacity, shall
19 include the same percentage adjustments, if any, that
20 would apply to the amount of retirement allowance of
21 the beneficiary under section 1128.

22

STATEMENT OF FACT

23 The purpose of this bill is to remove the provi-
24 sion in the retirement laws which requires that con-
25 tinuance of disability retirement benefits after 5
26 years be contingent upon the incapacity of the recip-
27 ient to engage in any substantially gainful employ-
28 ment for which he is qualified.

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