

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 928

6  
7 H.P. 656

House of Representatives, March 6, 1985

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

10 EDWIN H. PERT, Clerk

Presented by Representative McSweeney of Old Orchard Beach.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Concerning Deductions from State  
18 Disability Retirement Allowances of  
19 Social Security Disability Benefits.  
20

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

23 5 MRSA §1122, sub-§5-A, as amended by PL 1981, c.  
24 698, §7, is further amended to read:

25 5-A. Disability payments under other laws. The  
26 amount of any disability retirement allowance payable  
27 under this section shall be reduced by any amount re-  
28 ceived by the beneficiary for the same disability un-  
29 der ~~either of or both:~~

30 A. The ~~workmen's~~ workers' compensation or simi-  
31 lar law, except amounts which may be paid or pay-  
32 able under Title 39, ~~sections~~ section 56 or 56-A;  
33 ~~or.~~

1 B- The Federal Social Security Act, if the em-  
2 ployment for which creditable service with the  
3 employer is allowed was also covered under such  
4 Act at the date of disability retirement.

5 The reduction in the disability retirement allowance  
6 shall be an amount necessary to make the total of the  
7 disability retirement allowance, not including ad-  
8 justments under section 1128, and the offset amounts  
9 of workmen's workers' compensation and Social Security  
10 benefits, as limited above, equal to 80% of aver-  
11 age final compensation. The disability retirement al-  
12 lowance shall not be reduced below the amount of the  
13 retirement allowance which is the actuarial equiva-  
14 lent of the member's accumulated contributions at the  
15 time of his retirement.

16 Lump-sum settlements of benefits that would reduce  
17 the disability retirement allowance under this sub-  
18 section shall be prorated on a monthly basis in an  
19 equitable manner prescribed by the board of trustees,  
20 but such prorated lump-sum settlements shall not in-  
21 clude any part of the lump-sum settlement attributa-  
22 ble to vocational rehabilitation, attorney's fees or  
23 physicians, nurses, hospital, medical, surgical or  
24 related fees or charges, or any amount paid or pay-  
25 able under Title 39, ~~sections~~ section 56 or 56-A. The  
26 prorated lump-sum settlement amounts shall reduce the  
27 disability retirement allowance in the same manner  
28 and amount as monthly benefits under this subsection.

29 Any dispute as to amounts paid or payable under  
30 workmen's workers' compensation, or as to the amount  
31 of the lump-sum settlement and its attributions,  
32 shall be determined, on petition, by a single member  
33 of the Industrial Accident Workers' Compensation Com-  
34 mission, as provided under Title 39. Such determina-  
35 tions may be appealed in the manner provided by Title  
36 39, section 103-B.

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STATEMENT OF FACT

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The purpose of this bill is to delete the requirement that state disability retirement benefits be reduced by any amounts received as social security disability benefits.

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