

MAINE STATE LEGISLATURE

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L.D. 2231

(Filing No. S- 467)

STATE OF MAINE
SENATE
112TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to HOUSE AMENDMENT "A" to
S.P. 886, L.D. 2231, Bill, "AN ACT to Recodify the
Laws of the Maine State Retirement System."

Amend the amendment by inserting after the 6th
paragraph after the title the following:

'Further amend the bill in section 5 in that part
designated "§17001." in subsection 42 in the first
line (page 11, line 24 in L.D.) by inserting after
the word and punctuation "teacher," the following:
'preschool teacher,'

Further amend the bill in section 5 in that part
designated "§17713." in subsection 2, paragraph A,
subparagraph (3), in the 2nd line (page 50, line 19
in L.D.) by striking out the figure "5" and inserting
in its place the following: '2'

Further amend the bill in section 5 in that part
designated "§17751." by inserting after subsection 3
the following:

'4. Special provision for certain legislative
employees. A legislative employee shall receive a
full year of service credit for the period of January
1, 1978, to January 1, 1984, for each year of the
legislative biennium in a position that may be full-
time under Title 3, sections 22 and 42.'

Further amend the bill in section 5 by inserting
before "ARTICLE 4" (page 34 in L.D.) the following:

'§17910. Voluntary return to service

1. Right to reinstatement. If the beneficiary
of a disability retirement benefit decides that he is

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SENATE AMENDMENT " A " to HOUSE AMENDMENT "A" to S.P. 886, L.D. 2231

1 no longer incapacitated and is able to perform the
2 duties of his employment position, the employer for
3 whom he last worked prior to becoming disabled shall
4 reinstate the person to the first available position
5 for which the beneficiary is qualified and is con-
6 sistent with the beneficiary's prior work experience.
7 If a collective bargaining agreement applies to such
8 a position, the employer may offer only a position
9 which the beneficiary could claim by virtue of the
10 seniority accumulated at the time of the disability.

11 2. Dispute over mental or physical capacity. In
12 the event there is a dispute between the beneficiary
13 and the former employer over the beneficiary's mental
14 or physical capacity to perform a specific job, at
15 the option of the beneficiary that dispute shall be
16 resolved by the majority decision of 3 physicians,
17 one appointed and reimbursed by the beneficiary, one
18 appointed and reimbursed by the employer and one ap-
19 pointed by the executive director and reimbursed by
20 the Maine State Retirement System.

21 3. Termination or reduction in benefits. At the
22 option of the former beneficiary who has returned to
23 an employment position, the disability retirement
24 benefit may be terminated as of the end of the first
25 month he is reinstated to a position or may be sub-
26 ject to section 17906, subsection 3.

27 4. Reinstatement of benefits. If, during the
28 first 5 years of reinstatement, the former beneficia-
29 ry again becomes disabled as a result of the medical
30 condition for which the initial disability retirement
31 allowance was granted and terminates employment, the
32 Maine State Retirement System shall resume paying the
33 disability retirement benefit payable prior to the
34 reinstatement with all applicable cost-of-living ad-
35 justments. The Maine State Retirement System may re-
36 quire examinations or tests to determine whether a
37 member's medical condition is the same as that for
38 which disability retirement was initially granted.

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1 This provision shall apply only to state employees
2 and teachers.'

3 Further amend the bill in section 5 in that part
4 designated "§18311." in subsection 2, paragraph A,
5 subparagraph (3), in the 2nd line (page 114, line 11
6 in L.D.) by striking out the figure "5" and inserting
7 in its place the following: '2'

8 Further amend the bill in section 5 in that part
9 designated "§18553." in subsection 2, paragraph A,
10 subparagraph (2), in the 3rd line (page 149, line 12
11 in L.D.) by striking out the following "children" and
12 inserting in its place the following: 'children'

13 Further amend the bill in section 5 in that part
14 designated "§19007." in the 4th to 6th lines (page
15 174, lines 33 to 35 in L.D.) by striking out the fol-
16 lowing "of \$10,000 is appropriated from the Unappro-
17 propriated Surplus of the General Fund of the State" and
18 inserting in its place the following: 'is
19 established'

20 Further amend the bill by inserting at the end
21 before the statement of fact the following:

22 'Sec. 6. Appropriation. The following funds are
23 appropriated from the General Fund to carry out the
24 purposes of this Act.

25 . 1986-87

26 MAINE STATE RETIREMENT SYSTEM

27 All Other \$14,016' '

28 STATEMENT OF FACT

29 This amendment:

30 1. Adds "preschool teachers" to the definition

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1 of teacher under the retirement system;

2 2. Adds a provision for the voluntary return to
3 employment after rehabilitation from a disability;

4 3. Corrects a problem concerning years of cred-
5 itable service for 2 legislative employees;


6 4. Restores language in compliance with an At-
7 torney Generals Opinion;

8 5. Adds a comma to clarify the groupings of a
9 series of groups;

10 6. Removes language that would have required an
11 appropriation be added to the original bill; and

12 7. Adds an appropriation to fund changes made by
13 this amendment.

14 7349040986

15 (Sen. Clark)
16 SPONSORED BY: 
17 COUNTY: Cumberland

Reproduced and Distributed Pursuant to Senate Rule 12.

(4-10-86)

(Filing Number S-467)