

MAINE STATE LEGISLATURE

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L.D. 2231

(Filing No. H-690)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND REGULAR SESSION

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

Amend the bill in section 5 in that part design-
ated "§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 84 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
no longer incapacitated and is able to perform the
duties of his employment position, the employer for

1 whom he last worked prior to becoming disabled shall
2 reinstate the person to the first available position
3 for which the beneficiary is qualified and is con-
4 sistent with the beneficiary's prior work experience.
5 If a collective bargaining agreement applies to such
6 a position, the employer may offer only a position
7 which the beneficiary could claim by virtue of the
8 seniority accumulated at the time of the disability.

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

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

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

37 This provision shall apply only to state employees
38 and teachers.'

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

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

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

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

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

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

24 1986-87

25 MAINE STATE RETIREMENT SYSTEM

26 All Other \$14,016

27 Sec. 7. Effective date. This Act shall take ef-
28 fect on January 1, 198.'

29 STATEMENT OF FACT

30 This amendment:

