

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 779, L.D. 1960)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2296

8 S.P. 920

In Senate, April 1, 1986

9 Reported by Senator Najarian of Cumberland from the Committee on
10 Aging, Retirement and Veterans and printed under Joint Rule 2. Original bill
11 sponsored by Senator Gauvreau of Androscoggin. Cosponsored by
Representative Hickey of Augusta, Senator Andrews of Cumberland and
Representative Dellert of Gardiner.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Encourage the Rehabilitation of
19 Members Receiving Disability Benefits
20 under the Maine State Retirement
21 System.
22

23 Be it enacted by the People of the State of Maine as
24 follows:

25 5 MRSA §1122, sub-§8 is enacted to read:

26 8. Voluntary return to service. If the benefi-
27 ciary of a disability retirement benefit decides that
28 he is no longer incapacitated and is able to perform
29 the duties of his employment position, the employer
30 for whom he last worked prior to becoming disabled
31 shall reinstate the person to the first available po-
32 sition for which the beneficiary is qualified and is
33 consistent with the beneficiary's prior work experi-
34 ence. If a collective bargaining agreement applies to
35 such a position, the employer may offer only a posi-
36 tion which the beneficiary could claim by virtue of

1 the seniority accumulated at the time of the disabili-
2 ty.

3 In the event there is a dispute between the benefi-
4 ciary and the former employer over the beneficiary's
5 mental or physical capacity to perform a specific
6 job, at the option of the beneficiary that dispute
7 shall be resolved by the majority decision of 3 phy-
8 sicians, one appointed and reimbursed by the benefi-
9 ciary, one appointed and reimbursed by the employer
10 and one appointed by the executive director and reim-
11 bursed by the Maine State Retirement System.

12 At the option of the former beneficiary who has re-
13 turned to an employment position, the disability re-
14 retirement benefit may be terminated as of the end of
15 the first month he is reinstated to a position or may
16 be subject to section 1123.

17 If, during the first 5 years of reinstatement, the
18 former beneficiary again becomes disabled as a result
19 of the medical condition for which the initial dis-
20 ability retirement allowance was granted and termi-
21 nates employment, the Maine State Retirement System
22 shall resume paying the disability retirement benefit
23 payable prior to the reinstatement with all applica-
24 ble cost-of-living adjustments. The Maine State Re-
25 retirement System may require examinations or tests to
26 determine whether a member's medical condition is the
27 same as that for which disability retirement was ini-
28 tially granted.

29 This provision shall apply to state employees and
30 teachers and shall not apply to participating local
31 districts.

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STATEMENT OF FACT

2 This new draft is intended to facilitate rehabil-
3 itated Maine State Retirement System beneficiaries to
4 return to work. It requires the beneficiary's prior
5 employer to reinstate the individual to the first
6 available position which the individual is qualified
7 for and which is consistent with the individual's
8 prior work experience and if there is a collective
9 bargaining agreement, which the individual is enti-
10 tled to by virtue of seniority at the time of dis-
11 ability.

12 Disputes as to whether a beneficiary is rehabili-
13 tated will be decided by a 3-physician panel.

14 If the individual again becomes disabled for the
15 condition for which he originally received a disabili-
16 ty pension, the individual's disability pension will
17 be reinstated with all applicable cost-of-living ad-
18 justments.

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