

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 204, L.D. 482, Bill, "An Act Relating to Benefits for Members of the Maine State Retirement System Who Transfer from Positions Under Special Plans to Positions Not Under Special Plans"

Amend the bill in section 1 in subsection 2, by striking out all of paragraph D (page 2, lines 8 to 30 in L.D.) and inserting in its place the following:

- 'D. A member who has not completed the service requirements for retirement under a special plan, on becoming disabled as defined in section 17901, and on becoming reemployed in a position not under a special plan shall on retirement receive retirement benefits as follows.
- (1) The part of the member's service retirement based on membership service before becoming disabled shall be computed according to the formula for computing benefits under the member's previous special plan.
- (2) The part of the member's service retirement based on membership service after becoming reemployed in a position not under a special plan shall be computed according to the formula for computing benefits under the member's previous special plan.
- (3) If the member is found to be no longer disabled, as defined in section 17901, the member may:
- (a) Return to a position under the member's previous special plan; or
- (b) Remain in the position which is not under a special plan and have the part of the member's service retirement benefit based on post-disability service computed in accordance with section 17852, subsection 1.
- (4) The executive director may require that a member subject to this paragraph undergo medical examinations

1 or tests once each year to determine the member's  
2 disability in accordance with section 17903.

3  
4 (a) If the member refuses to submit to the  
5 examination or tests under this subparagraph, the  
6 member's retirement benefit shall be based on  
7 section 17852, subsection 1, until the member  
8 withdraws the refusal.

9  
10 (b) If the member's refusal under division (a)  
11 continues for one year, all the member's rights to  
12 any further benefits under this paragraph shall  
13 cease.'

14 Further amend the bill in section 3, in that part designated  
15 "\$18462." in subsection 2 by striking out all of paragraph D  
16 (page 5, lines 5 to 27 in L.D.) and inserting in its place the  
17 following:

18  
19 'D. A member who has not completed the service requirements  
20 for retirement under a special plan, on becoming disabled as  
21 defined in section 18501, and on becoming reemployed in a  
22 position not under a special plan shall on retirement  
23 receive retirement benefits as follows.

24  
25 (1) The part of the member's service retirement based  
26 on membership service before becoming disabled shall be  
27 computed according to the formula for computing  
28 benefits under the member's previous special plan.

29  
30 (2) The part of the member's service retirement based  
31 on membership service after becoming reemployed in a  
32 position not under a special plan shall be computed  
33 according to the formula for computing benefits under  
34 the members's previous special plan.

35  
36 (3) If the member is found to be no longer disabled,  
37 as defined in section 18501, the member may:

38  
39 (a) Return to a position under the member's  
40 previous special plan; or

41  
42 (b) Remain in the position which is not under a  
43 special plan and have the part of the member's  
44 service retirement benefit based on  
45 post-disability service computed in accordance  
46 with section 18452, subsection 1.

47  
48 (4) The executive director may require that a member  
49 subject to this paragraph undergo medical examinations

or tests once each year to determine the member's disability in accordance with section 18503.

(a) If the member refuses to submit to the examination or tests under this subparagraph, the member's retirement benefit shall be based on section 17852, subsection 1, until the member withdraws the refusal.

(b) If the member's refusal under division (a) continues for one year, all the member's rights to any further benefits under this paragraph shall cease.'

Further amend the bill by inserting before the statement of fact the following:

## FISCAL NOTE

The net fiscal impact of this legislation would not significantly change the funding requirements of the Maine State Retirement System.'

## STATEMENT OF FACT

This amendment allows the Maine State Retirement System to require yearly physical examinations of disabled special plan employees who have transferred to a job not under a special plan.

Reported by Senator Titcomb for the Committee on Aging,  
Retirement and Veterans. Reproduced and Distributed  
Pursuant to Senate Rule 12.

(4/12/89)

(Filing No. S-42)