

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 716, L.D. 977, Bill, "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System"

Amend the bill by striking out all of the emergency preamble and emergency clause.

Further amend the bill by striking out the following: "July 1, 1989" wherever it appears and inserting in its place the following: 'October 1, 1989'

Further amend the bill by striking out the following: "June 30, 1989" wherever it appears and inserting in its place the following: 'September 30, 1989'

Further amend the bill in that part designated "§17423." by striking out the last sentence (page 3, lines 6 to 9 in L.D.) and inserting the following in its place: 'The actuary shall determine percentage rates applicable to employers whose employees are covered by chapter 423, subchapter V, articles 3 and 3-A and chapter 425, subchapter V, articles 3 and 3-A, taking into consideration other factors which influence costs.'

Further amend the bill in that part designated "§17923.," in subsection 4, by inserting at the end the following: 'Any member who is required to submit a statement of health under this section and who submits a statement which substantially misrepresents the member's physical or mental health may, upon recommendation by the medical board and a finding by the executive director that the misrepresentation was substantial, be denied the right to file an application for disability retirement benefits.'

Further amend the bill in that part designated "§17927.," in subsection 7, by inserting at the end the following:

1
3 'A. The person shall not be required to accept employment
5 which reasonably necessitates relocation or for which the
7 person is not qualified, taking into consideration that
9 person's prior compensation and benefits, training,
11 education and experience, including that person's
13 rehabilitation plan.

15 B. The disability retirement benefit shall not be
17 discontinued, except as provided by section 17929, or until
19 the person is reemployed consistent with this section.'

21 Further amend the bill in that part designated "§17929." in
23 subsubsection 2 in paragraph B (page 9, line 11 in L.D.) by
25 inserting at the end of the first paragraph the following: 'The
27 executive director may refer the records documenting the results
29 of the examinations or tests and the person's file to the medical
31 board for a recommendation regarding rehabilitation in accordance
33 with section 17106, subsection 3, paragraph E.'

35 Further amend the bill in that part designated "§17929." in
37 subsubsection 2 in paragraph B in subparagraph (1) by inserting
39 after the last sentence (page 9, line 22 in L.D.) the following:
41 'The disability retirement benefit shall continue if the person
43 can effectively demonstrate to the executive director that the
45 person is actively seeking work.'

47 Further amend the bill in that part designated "§17930." by
49 striking out all of subsection 2 and inserting in its place the
51 following:

53 '2. Compensation from employment not covered by this
55 article. If any person who is the recipient of a disability
57 retirement benefit receives compensation in any year from
59 engaging in any gainful activity or from employment with an
61 employer whose employees are not covered by this article or
63 chapter 425, subchapter V, article 3-A, which exceeds the greater
65 of \$10,000 or the difference between the person's disability
67 retirement benefit for that year and the person's average final
69 compensation at the time that the person became a recipient of a
71 disability retirement benefit, increased or decreased by the same
73 percentage adjustments as have been granted by section 17806.'

75 Further amend the bill in that part designated "§18523." in
77 subsubsection 4 by inserting after the last sentence (page 17, line
79 34 in L.D.) the following: 'Any member who is required to submit
81 a statement of health under this section and who submits a
83 statement which substantially misrepresents the member's physical
85 or mental health may, upon recommendation by the medical board
87 and a finding by the executive director that the
89 misrepresentation was substantial, be denied the right to file an
91 application for disability retirement benefits.'

1

Further amend the bill in that part designated "§18527." in subsection 7 by adding at the end (page 20, line 40 in L.D.) the following:

5

7 'A. The person shall not be required to accept employment which reasonably necessitates relocation or for which the person is not qualified, taking into consideration that person's prior compensation and benefits, training, education and experience, including that person's rehabilitation plan.

11

13 B. The disability retirement benefit shall not be discontinued, except as provided by section 18529, or until the person is reemployed consistent with this section.'

15

17 Further amend the bill in that part designated '§18529.' in subsection 2 in paragraph B by inserting after the first sentence (page 21, line 45 in L.D.) the following: 'The executive director may refer the records documenting the results of the examinations or tests and the person's file to the medical board for a recommendation regarding rehabilitation in accordance with section 17106, subsection 3, paragraph E.'

19

21

23

25 Further amend the bill in that part designated "§18529." in subsection 2 in paragraph B in subparagraph (1) by inserting at the end (page 22, line 2 in L.D.) the following: 'The disability retirement benefit shall continue if the person can effectively demonstrate to the executive director that the person is actively seeking work.'

27

29

31

33 Further amend the bill in that part designated "§18530." by striking out all of subsection 2 and inserting in its place the following:

35

37 '2. Compensation from employment not covered by this article. If any person who is the recipient of a disability retirement benefit receives compensation in any year from engaging in any gainful activity or from employment with an employer whose employees are not covered by this article or chapter 423, subchapter V, article 3-A, which exceeds \$10,000 or the difference between the person's disability retirement benefit for that year and the person's average final compensation at the time that the person became a recipient of a disability retirement benefit, increased or decreased by the same percentage adjustments as have been granted by section 18407, whichever is greater.'

39

41

43

45

47

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

51

'Effective date. This Act shall take effect October 1, 1989.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45

FISCAL NOTE

This bill will make several changes to the disability retirement provisions of the Maine State Retirement System. The rehabilitation provision will decrease costs in the long run by more than the potential increase due to the outside earnings change.'

STATEMENT OF FACT

This amendment:

1. Eliminates the emergency status of the Act and makes it effective October 1, 1989;
2. States that in determining the disability contributions the actuary is to take into consideration other factors that influence cost;
3. States that a submission of a false health statement may result in the loss of the right to apply for disability benefits;
4. Gives the executive director authority to submit the results of a required yearly examination of disability retirees to the medical board for a recommendation regarding rehabilitation;
5. States that persons receiving disability compensation, before adjustments are required to their retirement benefit, may earn the greater of \$10,000 or the difference between the retirement benefit and the person's earnings at the time of retirement. The original bill contained only the second of these provisions; and
6. This amendment clarifies the section on rehabilitation to make explicit the reemployment rights of a person who has successfully completed a rehabilitation program. It also ensures that a person's disability benefits are not terminated due to lack of a reasonable reemployment opportunity, considering the person's prior compensation and benefits, training, education, experience and rehabilitation programs.