

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1125

S.P. 411

Received by the Secretary, March 12, 1991

Reference to the Committee on Aging, Retirement and Veterans suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLARK of Cumberland

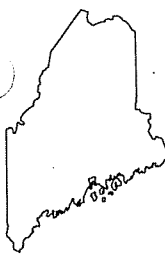
Cosponsored by Senator RICH of Cumberland, Representative O'DEA of Orono and Representative STEVENSON of Unity.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Disability Provisions of the Maine State Retirement System Laws.

Printed on recycled paper



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

2

4 **Sec. 1. 5 MRSA §17904, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

6

8 **2. Exception.** A member with fewer than 5 years of continuous creditable service immediately preceding his that member's application for a disability retirement benefit is not eligible for that benefit if the disability is the result of a physical or mental condition which existed before the member's latest membership in the retirement system, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

16

18 **Sec. 2. 5 MRSA §17924, sub-§2**, as enacted by PL 1989, c. 409, §§8 and 12, is amended to read:

20

22 **2. Exception.** A member with fewer than 5 years of continuous creditable service immediately preceding that member's application for a disability retirement benefit is not eligible for that benefit if the disability is the result of a physical or mental condition which existed before the member's membership in the retirement system, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

28

30 **Sec. 3. 5 MRSA §18504, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

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34 **2. Exception.** A member with fewer than 5 years of continuous creditable service immediately preceding his that member's application for a disability retirement benefit is not eligible for that benefit if the disability is the result of a physical or mental condition which existed before the member's latest membership in the retirement system, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.

42

44 **Sec. 4. 5 MRSA §18524, sub-§2**, as enacted by PL 1989, c. 409, §§11 and 12, is amended to read:

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48 **2. Exception.** A member with fewer than 5 years of continuous creditable service immediately preceding that member's application for a disability retirement benefit is not eligible for that benefit if the disability is the result of a physical or mental condition which existed before the member's membership in

50

2 the retirement system, unless the disability is a result of, or
has been substantially aggravated by, an injury or accident
4 received in the line of duty but from events or circumstances not
usually encountered within the scope of the member's employment.

6
8 **STATEMENT OF FACT**

10 This bill makes it clear that a disability resulting from a
preexisting condition that has been aggravated by an injury or
12 accident received in the line of duty must be an accident or
injury outside the usual activities encountered in the member's
14 employment.