



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 538

H.P. 417

House of Representatives, February 6, 2001

An Act to Require a Recommendation from a Physician Before Being Eligible for Disability Benefits.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MARRACHE of Waterville.

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

Sec. 1. 5 MRSA §17924, sub-§1, as amended by PL 1997, c. 384, ^{§7}, is further amended to read:

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б 1. Qualification. Except as provided in subsection 2, a member qualifies for a disability retirement benefit if disabled 8 while in service and, for a member who by election remains covered under this section as written prior to its amendment by 10 Public Law 1991, chapter 887, section 7, before normal retirement A member is qualified for a disability retirement benefit age. 12 only if the member has received a written finding of disability from a physician licensed under Title 32, chapter 36 or 48.

Sec. 2. 5 MRSA §17925, sub-§1, as amended by PL 1995, c. 643, 16 SS9 and 10, is further amended to read:

18 1. Written application. The person must apply in writing the executive director in the format specified by the to 20 executive director. The application must include a written finding of disability from a physician licensed under Title 32, 22 chapter 36 or 48.

24 The executive director shall obtain medical consultation Α. on each applicant for disability in accordance with related established by the board, 26 rules which must include provisions indicating when a case must be reviewed by a 28 medical board and when alternative means of medical consultation are acceptable. Rules adopted pursuant to this 30 paragraph are routine technical rules as defined in chapter 375, subchapter II-A. Whether provided by the medical board 32 or by an alternative means, medical consultation obtained by the executive director must be objective and be provided by 34 a physician or physicians qualified to review the case by specialty or experience and to whom the applicant is not known. 36

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SUMMARY

This bill amends the law relating to disability benefits under the Maine State Retirement System to require that a person 42 receive a written finding of disability from a physician in order 44 to receive disability benefits.