

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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**CHAPTER 722**

S.P. 920 - L.D. 2296

**AN ACT to Encourage the Rehabilitation of  
Members Receiving Disability Benefits  
under the Maine State Retirement  
System.**

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

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

8. Voluntary return to service. If the beneficiary of a disability retirement benefit decides that he is no longer incapacitated and is able to perform the duties of his employment position, the employer for whom he last worked prior to becoming disabled shall reinstate the person to the first available position for which the beneficiary is qualified and is consistent with the beneficiary's prior work experience. If a collective bargaining agreement applies to such a position, the employer may offer only a position which the beneficiary could claim by virtue of the seniority accumulated at the time of the disability.

In the event there is a dispute between the beneficiary and the former employer over the beneficiary's mental or physical capacity to perform a specific job, at the option of the beneficiary that dispute shall be resolved by the majority decision of 3 physicians, one appointed and reimbursed by the beneficiary, one appointed and reimbursed by the employer and one appointed by the executive director and reimbursed by the Maine State Retirement System.

At the option of the former beneficiary who has returned to an employment position, the disability retirement benefit may be terminated as of the end of the first month he is reinstated to a position or may be subject to section 1123.

If, during the first 5 years of reinstatement, the former beneficiary again becomes disabled as a result of the medical condition for which the initial disability retirement allowance was granted and terminates employment, the Maine State Retirement System shall resume paying the disability retirement benefit payable prior to the reinstatement with all applicable cost-of-living adjustments. The Maine State Retirement System may require examinations or tests to determine whether a member's medical condition is the

same as that for which disability retirement was initially granted.

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

Effective July 16, 1986.

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## CHAPTER 723

H.P. 1478 - L.D. 2080

### AN ACT to Create the Maine Liquor Liability Act.

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

Sec. 1. 17 MRSA §2002, as amended by PL 1985, c. 435, §§1 and 4, is repealed.

Sec. 2. 28 MRSA c. 33 is enacted to read:

#### CHAPTER 33

#### MAINE LIQUOR LIABILITY ACT

##### §1401. Short title

This Act shall be known as the "Maine Liquor Liability Act."

##### §1402. Purpose

1. Primary legislative purpose. The primary legislative purpose of this Act is to prevent intoxication-related injuries, deaths and other damages among the State's population.

2. Secondary purposes. The secondary legislative purposes are to:

A. Establish a legal basis for obtaining compensation to those suffering damages as a result of intoxication-related incidents in accordance with this Act;

B. Allocate the liability for payment of damages fairly among those responsible for the damages, which will encourage liquor liability insurance availability; and