

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act Relating to Certain Benefits for Legislators'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 3 MRSA §2, sub-§1** is enacted to read:

**1. Disability benefits.** Notwithstanding any other provision of this section, in order to ensure that a disability annuity or payment to which a member of the Legislature is entitled is not reduced or lost, the member may file a written notice with the Executive Director of the Legislative Council within one week after the biennium commences or within 30 days of becoming eligible to receive a disability annuity or payment stating that the member waives all or a portion of amounts to which the member would otherwise be entitled under this section. Upon filing such a waiver, the member is entitled to receive only such amounts as the member has not waived. A waiver under this subsection does not affect the coverage of or state contributions to any benefits to which the member is entitled as a Legislator, unless the waiver expressly includes a waiver of such benefits. A waiver of retirement membership under section 801 must be in accordance with section 801, subsection 1-A. A waiver under this subsection applies to the term or remainder of the term of office to which the member is elected.

**Sec. 2. 3 MRSA §701, sub-§9,** as enacted by PL 1985, c. 507, §1, is amended to read:

**9. Earnable compensation.** "Earnable compensation" means the actual compensation of a Legislator, except that, if a Legislator waives compensation pursuant to section 2, subsection 1, "earnable compensation" also includes any amount that is waived. Any money paid by the State under an annuity contract for the future benefit of a Legislator ~~shall~~must be considered part of the Legislator's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 853 ~~shall~~must be assumed, for the purposes of determining benefits under this chapter, to be continued after ~~his~~the Legislator's date of termination of service at the same rate as received immediately prior to that time, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 858.

**Sec. 3. 3 MRSA §801, sub-§1-A,** as enacted by PL 1989, c. 501, Pt. O, §8, is amended to read:

**1-A. Waiver provision.** Any Legislator may petition the presiding officer for a waiver from the membership provisions of subsection 1 if it can be demonstrated that membership in the Maine Legislative Retirement System will create or exacerbate a Legislator's federal income tax liability due to the ownership of another retirement plan. A Legislator who waives compensation pursuant to section 2, subsection 1 may also petition the presiding officer for a waiver from the membership provisions of subsection 1 in order to ensure that a disability annuity or payment to which the Legislator is entitled is not reduced or lost. The Office of the Executive Director of the Legislative Council shall provide assistance as requested by the Legislator or presiding officer. The presiding officer shall respond to the Legislator's petition within 30 days and shall provide copies of the decision to the Executive Director of the Legislative Council and the Executive Director of the Maine State Retirement System.'

## **SUMMARY**

This amendment, which replaces the bill, is intended to ensure that a person is not required for financial reasons to choose between serving in the Legislature and receiving in full a disability annuity or payment to which the person is entitled. Under this amendment, a Legislator may file a written notice waiving compensation and expenses to which that Legislator is entitled in order to eliminate the consideration, application or use of those funds to reduce a federal or state disability annuity or payment.

## **FISCAL NOTE REQUIRED**

**(See attached)**