



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1044

S.P. 346

In Senate, March 14, 2017

**An Act To Amend the Laws Governing Eligibility for Disability
Retirement Benefits**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

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

2 **Sec. 1. 5 MRSA §17001, sub-§37, ¶A** is enacted to read:

3 A. Solely for the determination of qualification for disability retirement benefits
4 under section 17924 or 18504, if the employee is not eligible for federal social
5 security disability insurance benefits, "service" includes service as an employee for
6 which compensation would have been paid but for the discharge of the employee in
7 violation of Title 26, section 833 as determined by a final judgment of a court of
8 competent jurisdiction or in a settlement agreement between the employer and
9 employee, if for the period of service employer and employee contributions are paid,
10 except that for an employee who on or after January 1, 2015 but prior to the effective
11 date of this paragraph settled a claim for discharge in violation of Title 26, section
12 833, "service" includes service as determined by a settlement agreement between the
13 employer and employee that includes payment to the employee in excess of
14 \$100,000.

15 **SUMMARY**

16 This bill amends the laws governing eligibility for disability retirement benefits.
17 Current law provides that former state employees are not eligible for state disability
18 retirement benefits if they were not disabled on their last day of state service. Under this
19 bill, former state employees who are not disabled on their last day of state service and are
20 ineligible for federal social security disability benefits would be eligible for state
21 disability retirement benefits if they prevail in or settle a claim brought under the State's
22 Whistleblowers' Protection Act.