

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

—
H.P. 1004 - L.D. 1463

An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Direct the Board of Trustees of the Maine Public Employees Retirement System To Explore the Feasibility of Offering Long-term Disability Insurance Coverage

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

Sec. 1. 5 MRSA §17925, as amended by PL 1995, c. 643, §§9 and 10, is further amended to read:

§17925. Application

~~In order to receive a benefit under this article:~~

1. Written application. ~~The~~ In order to receive a benefit under this article, a person must apply in writing to the executive director in the format specified by the executive director.

A. The executive director shall obtain medical consultation on each applicant for disability in accordance with related rules established by the board, which must include provisions indicating when a case must be reviewed by a medical board and when alternative means of medical consultation are acceptable. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter ~~H-A~~ 2-A. Whether provided by the medical board or by an alternative means, medical consultation obtained by the executive director must be objective and be provided by a physician or physicians qualified to review the case by specialty or experience and to whom the applicant is not known.

2. Workers' compensation. If the incapacity upon which the application is based is a result of an injury or accident received in the line of duty, the application must include proof that the member has made application for benefits under the workers' compensation laws;

3. Social security. If the employment for which creditable service with the employer is allowed was also covered under the United States Social Security Act, the application must include proof that the member has made application for benefits under this Act; ~~and~~.

4. Approval. The written application ~~shall~~ must be approved by the executive director upon finding that the member has met the requirements of section 17924.

5. Reapplication. A member who has had a disability retirement benefit application denied may file a new application based on the same medical conditions only if that member has had a bona fide return to service with an employer whose employees are covered by this article or chapter 425, subchapter 5, article 3-A. If the executive director finds that the member has met the requirements of section 17924, the new application must be approved notwithstanding the earlier denial.

Sec. 2. 5 MRSA §18525, sub-§5 is enacted to read:

5. Reapplication. A member who has had a disability retirement benefit application denied may file a new application based on the same medical conditions only if that member has had a bona fide return to service with an employer whose employees are covered by this article or chapter 423, subchapter 5, article 3-A. If the executive director finds that the member has met the requirements of section 18524, the new application must be approved notwithstanding the earlier denial.

Sec. 3. Study. The Maine Public Employees Retirement System shall conduct a study on the feasibility of procuring and offering long-term disability insurance, including the means by which the Maine Public Employees Retirement System would procure and offer the insurance, the anticipated administrative burdens and expenses associated with offering the insurance and any other factors determined relevant by the Maine Public Employees Retirement System. The Maine Public Employees Retirement System shall report the results of its study under this section together with any recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over retirement matters no later than January 4, 2017. The joint standing committee may report out a bill based on the report to the First Regular Session of the 128th Legislature.