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APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 365, L.D. 521, Bill, "An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §17924, sub-§3 is enacted to read:

3. Qualification of a disabled veteran. Subject to the provisions in subsections 1 and 2, if a member applying for a disability retirement benefit is receiving disability compensation from the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability pursuant to 38 Code of Federal Regulations, Section 4.16, it is presumed that the member is disabled under section 17921, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs in making the individual unemployability determination. Notwithstanding section 17922, this subsection applies to any application for a disability retirement benefit made by a member on or after October 1, 2018.

Sec. 2. 5 MRSA §18524, sub-§3 is enacted to read:

3. Qualification of a disabled veteran. Subject to the provisions in subsections 1 and 2, if a member applying for a disability retirement benefit is receiving disability compensation from the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability pursuant to 38 Code of Federal Regulations, Section 4.16, it is presumed that the member is disabled under section 18521, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs in making the individual unemployability determination. Notwithstanding section 18522, this subsection applies to any application for a disability retirement benefit made by a member on or after October 1, 2018.'

COMMITTEE AMENDMENT

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**SUMMARY**

This amendment is the majority report of the committee and replaces the bill. The amendment provides that a veteran who is a member of the Maine Public Employees Retirement System and who has been awarded disability compensation by the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability is presumed to be disabled under the Maine Revised Statutes, Title 5, section 17921, subsection 1 and section 18521, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs. The provisions of the amendment apply to any application for a disability retirement benefit filed on or after October 1, 2018.

**FISCAL NOTE REQUIRED**

**(See attached)**