

**§17924. Qualification for benefit**

**1. Qualification.** Except as provided in subsection 2, a member qualifies for a disability retirement benefit if disabled while in service and, for a member who by election remains covered under this section as written prior to its amendment by Public Law 1991, chapter 887, section 7, before normal retirement age.

A. [PL 1991, c. 887, §7 (RP).]

B. [PL 1991, c. 887, §7 (RP).]  
[PL 1997, c. 384, §7 (AMD).]

**2. Exception.** A member with fewer than 5 years of continuous creditable service preceding that member's last date in service is not eligible for a disability retirement benefit if the disability is the result of a physical or mental condition that existed before the member's membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty but from events or circumstances not usually encountered within the scope of the member's employment.  
[PL 2009, c. 322, §8 (AMD).]

**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.

[PL 2017, c. 384, §1 (NEW).]

**SECTION HISTORY**

PL 1989, c. 409, §§8,12 (NEW). PL 1991, c. 434, §2 (AMD). PL 1991, c. 887, §7 (AMD). PL 1997, c. 384, §7 (AMD). PL 2007, c. 491, §177 (AMD). PL 2009, c. 322, §8 (AMD). PL 2017, c. 384, §1 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.