

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 276

H. P. 229

House of Representatives, February 2, 1979

Referred to the Committee on Aging, Retirement and Veterans. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Pertaining to Ordinary Death Benefits under the Maine State Retirement System.**

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

**Sec. 1.** 5 MRSA § 1124, sub-§ 1, ¶ C, as last amended by PL 1975, c. 622, § 55, is repealed and the following enacted in its place:

**C. In lieu of accepting the benefits provided in paragraph A or B, a spouse living at the time of the death of the member or former member may elect to receive, commencing the first month after death occurs and continuing during the lifetime of that spouse, a benefit equal to a reduced retirement allowance determined in accordance with section 1126, Option 2, as if the service retirement of the member or former member had taken place on the date of and prior to his death.**

**Sec. 2.** 5 MRSA § 1124, sub-§ 1, ¶ D, is enacted to read:

**D. A member may specify the refund of his accumulated contributions to a designated beneficiary or to his estate in lieu of any payment to survivors as provided in paragraphs B and C by filing an affidavit expressing that intent with the executive director.**

**Sec. 3. Application.** Title 5, section 1124, subsection 1, paragraphs C and D shall apply to all deaths occurring on or after July 1, 1980, or prior thereto as elected by a participating local district.

#### STATEMENT OF FACT

This bill is intended to allow the spouse of a deceased member or former member to choose a reduced retirement allowance as specified in section 1126, Option 2, if that member or former member died prior to the effective date of retirement.