

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 271

6
7 H.P. 230

House of Representatives, January 29, 1985

8 Reference to the Committee on Aging, Retirement and Veterans
9 suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hickey of Augusta.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Clarify Accidental Death Benefits
18 Payable to Spouses and Children of
19 Members.
20

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

23 Sec. 1. 5 MRSA §1125, sub-§1-A, as amended by PL
24 1983, c. 146, §3, is repealed and the following en-
25 acted in its place:

26 1-A. Members of the retirement system. If a
27 member of the retirement system dies as the result of
28 an injury arising out of and in the course of employ-
29 ment, benefits shall be as follows.

30 A. A spouse, alive at the time of death of the
31 member, shall be paid 2/3 of the average final
32 compensation of the member. This sum shall be
33 paid in equal monthly installments commencing the
34 first month after the death occurs.

1 B. A spouse, alive at the time of death of the
2 member, and who has the care of the child or
3 children, as defined by section 1001, subsection
4 6, of the member shall be paid an annual sum
5 equal to the average final compensation of the
6 member. This sum shall be paid in equal
7 installments commencing the first month after the
8 death occurs. At the time the youngest surviving
9 child becomes ineligible to receive benefits un-
10 der section 1001, subsection 6, the annual sum
11 paid shall be reduced to 2/3 average final com-
12 penensation of the member.

13 C. The child or children, as defined by section
14 1001, subsection 6, of the member shall be paid
15 an annual sum equal to the average final compen-
16 sation of the member until the youngest surviving
17 child becomes ineligible to receive benefits un-
18 der section 1001, subsection 6. This sum shall be
19 paid in equal monthly installments commencing the
20 first month after the death occurs.

21 If a retiree receiving a disability retirement allow-
22 ance dies as the result of an injury arising out of
23 and in the course of his employment while a member of
24 the retirement system, the benefits shall be paid to
25 his spouse and child or children.

26 Sec. 2. 5 MRSA §1125, as amended by PL 1983, c.
27 146, §§3 and 4, is further amended by adding at the
28 end a new paragraph to read:

29 The amount payable under this section shall be
30 reduced by any amount received by the spouse and
31 child or children under Title 39, section 51, or sim-
32 ilar law.

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STATEMENT OF FACT

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This bill clarifies the language of the existing law and employs the Workers' Compensation Act language, "...as the result of an injury arising out of and in the course of employment..." to define accidental death. Benefit levels remained unchanged from those provided in the present law, but would under this bill be offset by amounts paid under the Workers' Compensation Act.

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