

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1075

S. P. 379

In Senate, March 1, 1955.

Referred to Committee on Retirements and Pensions. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Butler of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Occupational Death Benefit Under the Maine State Retirement System.

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

Sec. 1. R. S.; c. 64, 6, sub-§ V, amended. Subsection V of section 6 of chapter 64 of the revised statutes is hereby amended to read as follows:

'V. Any member of the State Police who becomes a member of this system and who has creditable service of at least 25 years in this capacity may be retired at $\frac{1}{2}$ of his average final compensation provided such retirement is requested either by the member or the Chief of the State Police. If any such member should become eligible under the provisions of this system, as a result of prior service and membership service, to a retirement allowance in excess of $\frac{1}{2}$ of his average final compensation, he shall be entitled to the higher retirement allowance; the provisions of this subsection shall apply to a member who may become Chief of the State Police. ~~If an officer of the state police shall die as the result of injury received in line of duty, his widow, or, if none, his minor child or children shall receive an annual sum equal to:~~

A. ~~$\frac{1}{2}$ the annual salary of such deceased officer at the time of his death, if such officer would have been retired under the provisions of section 22 of chapter 15; or~~

B. ~~$\frac{1}{2}$ the average final compensation of such deceased officer at the time of his death, if such officer would have been retired under the provisions of this chapter.~~

Such annual sum shall be paid to the widow until she dies or remarries and to a child or children until they die or reach the age of 18 years. If the widow dies without remarrying and leaves a minor child or children, the payment shall continue until such minor child or children die or reach the age of 18 years.'

Sec. 2. R. S., c. 64, § 6, sub-§ VII, amended. Subsection VII of section 6 of chapter 64 of the revised statutes is hereby amended to read as follows:

'VII. Any member of a fire department who becomes or is a member of the Maine State Retirement System and who has creditable service of at least 25 years as a fireman may be retired at $\frac{1}{2}$ of his average final compensation, provided such retirement is requested by the member. If any such member should become eligible under the provisions of this system, as a result of prior service and membership service, to a retirement allowance in excess of $\frac{1}{2}$ of his average final compensation, he shall be entitled to the higher retirement allowance; the provisions of this subsection shall apply to a member who may become chief of his respective fire department. ~~If a member of the retirement system who is a member of a fire department shall die as the result of injury received in line of duty, his widow, or, if none, his minor child or children shall receive an annual sum equal to $\frac{1}{2}$ the average final compensation of such member at time of his death. Such annual sum shall be paid to the widow until she dies or remarries and to a child or children until they die or reach the age of 18 years.'~~

Sec. 3. R. S., c. 64, § 6, sub-§ VII-A, additional. Section 6 of chapter 64 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered VII-A, to read as follows:

'VII-A. Occupational death benefits. If a member shall die as the result of injury received in the line of duty, his surviving spouse, or if none, his minor child or children, shall receive an annual sum equal to $\frac{1}{2}$ of the average final compensation of such member at the time of his death. Such annual sum shall be paid in equal monthly installments to the surviving spouse until death or remarriage. If at any time there is no spouse eligible to receive such benefits, then it shall be paid to the legal guardian for the benefit of any surviving children of the member who are under the age of 18 and unmarried, or who are over that age and physically or mentally incapacitated from earning on the date of such member's death. The Board of Trustees shall determine upon receipt of proper proofs that death was the result of injury received while in actual performance of duty at some definite time and place, and was not caused by willful negligence of the member.

If an officer of the State Police shall die as the result of injury received in the line of duty, his widow, or if none, his minor child or children, shall receive $\frac{1}{2}$ of the annual salary of such deceased officer at the time of his death, if such officer would have been retired under the provisions of section 22 of chapter 15 or if such officer would have been retired under the provisions of this chapter, $\frac{1}{2}$ of the average final compensation of such deceased officer at the time of his death.'