

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

**ATTORNEY GENERAL**

for the calender years

1965 - 1966

May 11, 1966  
Retirement

E. L. Walter Executive Secretary

Eligibility for Group Life Insurance

*FACTS:*

A teacher signed a contract with a school administrative district on August 13, 1963. The contract was for the year beginning July 1, 1963 and ending June 30, 1964. On August 26, 1963, the teacher died without ever appearing at school and performing any teaching duties. He was supposed to start his duties the day he died.

The district paid the teacher for one full day and deducted group life insurance premium, retirement and survivor benefits for that one day.

*QUESTION:*

Must the retirement system accept the group life insurance premium and make payment under the group life insurance program?

*ANSWER:*

See opinion.

*OPINION:*

The Group Life Insurance program is a part of the State Retirement System 5 M.R.S.A. § 1151 sets forth the pertinent parts of the program and provides in part:

“Group life insurance shall be made available to state employees and teachers, subject to the following provisions:

“1. Eligibility. Except as provided herein, each appointive officer or employee of the State of Maine, or teacher, who is eligible for membership in the Maine State Retirement System. . . . shall at such time and under the conditions of eligibility as the board of trustees may by regulation prescribe, come within the purview of this section.

“4. Employee automatically insured; procedure if desire not to be insured. All employees eligible under the terms of this section will be automatically insured for the maximum amounts applicable thereunder, commencing on the date they first become so eligible. . . .”

Thus we see that an employee is eligible for group life insurance “commencing on the date they first become so eligible.” But when does one “first become so eligible”? This is answered by the above-quoted portion of § 1151, subsection 1. The employee “first become (s) so eligible” when “eligible for membership in the Maine State Retirement System” and “at such time and under the conditions of eligibility as the board of trustees may by regulation prescribe.”

Hence, we conclude that the ultimate decision is not a legal one but one to be determined by the board of trustees through its regulations.

GEORGE C. WEST  
Deputy Attorney General