

MAINE STATE LEGISLATURE

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March 3, 1976

P. R. Gingrow, Assistant Executive Dir.

Maine State Retirement System

Donald G. Alexander, Assistant

Attorney General

Benefit Entitlement Under 5 M.R.S.A. § 1124, subsection 1, paragraph B subparagraphs (2) and (3)

Your memorandum of March 2, 1976, requests an opinion of the applicability of 5 M.R.S.A. § 1124 to a certain situation described in your memorandum. Section 1124-1 provides two options for payment of death benefits. Paragraph A provides for return of contributions. Paragraph B provides for a death benefit. If the option under paragraph A is taken, the option under paragraph B need not be considered. Paragraph A allows payment to any designated beneficiary without the restrictions stated in paragraph B. Thus, if there is a living designated beneficiary pursuant to paragraph A, which has been designated pursuant to a current and valid nomination, that beneficiary may take the return of contributions under paragraph A. In this case that would be the former wife. If the paragraph A return of contributions is taken, paragraph B need not be considered.

DONALD G. ALEXANDER
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