

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 201

H. P. 137

House of Representatives, January 19, 1967

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Social Security Payments to Beneficiaries after Death of Individual.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, under present law social security payments to beneficiaries of a deceased person cannot be paid to the deceased's legal representative without probating the estate; and

Whereas, the following legislation is for the purpose of permitting the social security payments to relatives of the deceased, thus preventing undue hardship and waiting for those entitled to the social security payments; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 18, § 1557, additional. Title 18 of the Revised Statutes is amended by adding a new section 1557, to read as follows:

§ 1557. Social security payments

If—

1. **Request for payment.** Not less than 30 days after the death of an individual entitled, at the time of death, to a monthly benefit or benefits under Title

II of the Social Security Act, all or part of the amount of such benefit or benefits, not in excess of \$1,000, is paid by the United States to the surviving spouse, one or more of the deceased's children, or descendants of his deceased children, the deceased's father or mother, or the deceased's brother or sister, preference being given in the order named if more than one request for payment shall have been made by or for such individuals, upon an affidavit made and filed with the Department of Health, Education and Welfare by the surviving spouse or other relative by whom or on whose behalf request for payment is made, and

2. Affidavit. Such affidavit shows the date of death of the deceased, the relationship of the affiant to the deceased, that no executor or administrator for the deceased has qualified or been appointed, and that, to the affiant's knowledge, there exists at the time of filing of such affidavit, no relative of a closer degree of kindred to the deceased than the affiant,

then such payment pursuant to such affidavit shall be deemed to be a payment to the legal representative of the decedent and shall constitute a full discharge and release from any further claim for such payment to the same extent as if such payment had been made to an executor or administrator of the decedent's estate.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.