

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 331

H. P. 250

House of Representatives, January 21, 1971

Referred to Committee on Veterans and Retirement. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Lincoln of Bethel.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Death Benefits before Retirement under  
Maine Retirement System.

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

Sec. 1. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), amended. Subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes is amended to read as follows:

(1) **General eligibility provision for non-service-connected death.** The deceased member must have had at least 18 months of creditable service within the 42 months prior to date of death, or be under ~~60~~ 55 years of age and receiving at the time of death an ordinary disability allowance as provided in section 1122 and any lump sum due under section 1122 shall be paid into the Survivors' Benefit Fund, except that any member who has been restored to service after having been a recipient of a disability retirement allowance or a service incurred disability retirement allowance shall be exempted from the requirement that the member must have had at least 18 months of creditable service prior to date of death.

Sec. 2. R. S., T. 5, § 1124, sub-§1, ¶ B, sub-¶ (1), div. (a), amended. The first sentence of division (a) of subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes, as repealed and replaced by section 8 of chapter 513 of the public laws of 1965, is amended to read as follows:

A spouse, alive and not remarried at the time of the death of the member, shall be paid ~~\$100~~ \$200 a month, commencing the first month after such death occurs, and continuing until the date of his death or remarriage, whichever hap-

pens first, providing that either the deceased member had 10 years of creditable service at the time of his death or that the surviving spouse is certified by the medical board, after a medical examination, to be mentally or physically incapacitated and that such incapacity is likely to be permanent.

**Sec. 3. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (b), amended.** Division (b) of subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes, as last amended by chapter 509 of the public laws of 1967, is further amended to read as follows:

(b) A spouse, alive and not remarried at the time of the death of the member who has the care of unmarried children of the deceased member under 18 years of age, or unmarried children of the deceased member under 22 years of age and a full-time student or any other progeny of the deceased who is considered to be mentally incompetent under the general statutes pertaining thereto, or who is certified to be mentally incompetent by the Medical Board of the Maine State Retirement System, or who is certified by the Medical Board of the Maine State Retirement System to be physically and permanently incapacitated, shall be paid ~~\$100~~ \$200 a month, commencing the first month after such death occurs and continuing during his lifetime for such time as such children or progeny are in his care and he has not remarried.

**Sec. 4. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (c), amended.** The first paragraph of division (c) of subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes, as last amended by chapter 509 of the public laws of 1967, is further amended to read as follows:

The unmarried child or children under 18 years, or unmarried children of the deceased member under 22 years of age and a full-time student or any other progeny of the deceased who is adjudged mentally incompetent by a probate court in the State of Maine or who is certified by the Medical Board of the Maine State Retirement System to be physically and permanently incapacitated at the time of the death of the member, shall receive benefits as follows:

One child shall be paid ~~\$100~~ \$200 per month.

Two children shall be paid ~~\$150~~ \$300 per month, which shall be divided equally between them.

Three children or more shall be paid ~~\$200~~ \$400 per month, which shall be divided equally among them.

**Sec. 5. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (d), amended.** The first sentence of division (d) of subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 29 of the public laws of 1965, is further amended to read as follows:

A spouse living at the time of the death of the member and not remarried subsequent to the death of the member shall be paid ~~\$100~~ \$200 a month, com-

mencing the first month after the attainment of 60 years of age and continuing until the date of his death or remarriage, whichever happens first.

#### STATEMENT OF FACT

It is the intent of this Act to revise the survivor benefits and to adjust the minimum retirement age to be consistent with legislation that proposes to reduce this age level to 55.