

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1214**

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H. P. 946

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Theriault of Rumford.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Providing for Increased Survivor Benefits under the Maine State Retirement System.

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

Sec. 1. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (1) div. (a), (b), (c), (d) and (e), as amended, are further amended to read:

(a) 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 happens 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. Such spouse may qualify for this benefit in addition to any payments received as provided by division (b), but shall not receive this benefit simultaneously with that provided by division (b).

(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 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.

(c) 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 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.

The benefits shall commence the first month after the death of the member and be payable to each child until he reaches his 18th birthday, or until he reaches his 22nd birthday if a full-time student, or prior death, whichever occurs first. In the event of the marriage or death of any such child prior to his 18th birthday, or to his 22nd birthday if a full-time student, subsequent benefits to the other children, if any, shall be payable as if he had never lived.

The board of trustees shall adopt such rules as are found necessary for a beneficiary to qualify as a full-time student.

(d) 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, commencing the first month after the attainment of 60 years of age and continuing until the date of his death or remarriage, whichever happens first. Such spouse may qualify for this benefit in addition to any payments received as provided by division (b) but shall not receive this benefit simultaneously with that provided by division (a) or division (b).

(e) A parent, if living at the time of the death of the member, and at least 60 years of age or when that age is attained shall be paid ~~\$100~~ \$200 per month. If both parents are eligible to benefits under this section and the older parent elects benefits under this subsection, the younger parent shall receive ~~\$75~~ \$150 per month if at least 60 years of age or when that age is attained. Upon the death of either parent, the survivor shall receive ~~\$100~~ \$200 per month. Such payments to any parent shall commence the first month after the death of the member occurs and continue until death or remarriage, whichever happens first. Benefits are only payable under this provision in the event no other benefits have been received in accordance with divisions (a), (b), (c) or (d).

**Sec. 2. Utilization of other funds.** Social Security payments of employees in departments supported by the General Highway Fund, Special Revenue Funds or other funds shall not be paid from the moneys provided in section 5, but shall be paid from funds available to the departments from other sources.

**Sec. 3. Optional for participating districts.** Participating local districts may provide such adjustments in the survivor benefits provisions by application to the board of trustees and shall supply a certified copy of its action with a statement of agreement of payment of costs.

#### FISCAL NOTE

It is estimated that this Act would cost \$288,000 annually.

#### STATEMENT OF FACT

This Act will increase the compensation for survivors of members under the Maine State Retirement System. The amounts currently being paid are totally inadequate under recent economic developments. For example, a spouse with 3 or more children now receives \$300 per month while this change would provide for a total of \$600 per month to such a family.