

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-300)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT" **B** "to H.P. 260, L.D. 341, Bill, "AN  
ACT to Improve Survivor Benefits under the Maine <sup>State</sup> Retirement  
System."

Amend the bill by striking out everything after the en-  
acting clause and inserting in its place the following:

'Sec. 1. 5 MRSA §1124, sub-§1, ¶B, sub-¶(1), divs. (a),  
(b), (c), (d) and (e) as last amended by PL 1975, c. 622, §55,  
are further amended to read:

(a) A spouse alive and who has not become the dependent  
of another person at the time of the death of the member  
or former member, shall be paid \$100 a month, effective  
January 1, 1980, \$125 a month, commencing the first month  
after such death occurs, and continuing until the date of  
his death or until he becomes the dependent of another per-  
son, whichever happens first, providing that either the de-  
ceased member or former 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 re-  
ceived as provided by division (b), but shall not receive  
this benefit simultaneously with that provided by division  
(b).

(b) A spouse, alive and who has not become the dependent  
of another person at the time of the death of the member or

former member who has the care of unmarried children of the deceased member or former 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 or who is certified by the medical board to be physically and permanently incapacitated, shall be paid \$100 a month, effective January 1, 1980, \$125 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 become the dependent of another person.

(c) The unmarried child or children under 18 years, or unmarried children of the deceased member or former 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 to be physically and permanently incapacitated at the time of the death of the member or former member, shall receive benefits as follows, except as limited as by division (g):

One child shall be paid \$100 per month, effective January 1, 1980, \$125 per month.

Two children shall be paid \$150 per month, effective January 1, 1980, \$175 per month, which shall be divided equally between them.

Three children or more shall be paid \$200 per month, effective January 1, 1980, \$225 per month, which shall be divided equally among them.

The benefits shall commence the first month after the death of the member or former 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 death of the member or former member and who has not become the dependent of another person subsequent to the death of the member shall be paid \$100 a month, effective January 1, 1980, \$125 per month, commencing the first month after the attainment of 60 years of age and continuing until the date of his death. 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 or former member, and at least 60 years of age or when that age is attained shall be paid \$100 per month, effective January 1, 1980, \$125 per month. If both parents

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are eligible to benefits under this section, and the older parent elects benefits under this subsection, the younger parent shall receive \$75 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 per month, effective January 1, 1980, \$125 per month.

Such payments to any parent shall commence the first month after the death of the member or former member occurs and continue until death. 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. 5 MRSA §1124, sub-§1, ¶B, sub-¶(1), div. (g) is  
enacted to read:

(g) When a spouse and a child or children of a member or former member are entitled to benefits under divisions (b) and (c) the total amount received by all beneficiaries shall not exceed the amount that would have been received by all beneficiaries prior to January 1, 1980 plus \$25, the \$25 to be divided equally.

Sec. 3. Application. Increases in benefits hereunder shall be optional with local participating districts, who shall notify the board of trustees upon adoption of an increase. Such adjustments as may have been granted under section 1128 shall not be changed, improved or impaired.

Fiscal Note

The Accounting Division of the Maine State Retirement System has computed the following cost based upon the revised rate:

	<u>1979-80</u>	<u>1980-81</u>
General Fund		
Teachers	\$114,398	\$114,398
State	<u>94,608</u>	<u>97,236</u>
Total	\$209,006	\$211,634
Other Funds	<u>\$121,392</u>	<u>\$124,764</u>
Total cost	\$330,398	\$336,398'

Statement of Fact

This amendment reduces the increase in survivor benefits to \$25 per beneficiary, except where a spouse and child or children are beneficiaries the total benefits of all are increased by only \$25.

Reported by Report C of the Committee on Aging, Retirement and Veterans.

Reproduced and distributed under the direction of the Clerk of the House.

4/30/79 (Filing No. H-300)