

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 535

S. P. 203

In Senate, February 14, 1979

Referred to the Committee on Aging, Retirement and Veterans. Sent down for concurrence and ordered printed.

Presented by Senator Shute of Waldo.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Eliminate the Dependency Disqualification for Persons Receiving
Survivor's Benefits from the State Retirement System.**

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

Sec. 1. 5 MRSA § 1121, sub-§ 1, ¶ C, 2nd ¶, as last amended by PL 1975, c. 622, § 42, is further amended to read:

Upon the death of a member of the Maine State Police who is the recipient of a retirement allowance under this section, without optional modification, or is retired under the disability provisions, the surviving spouse shall become entitled to a retirement allowance which shall be equal to $\frac{1}{2}$ of the amount being paid at the time of his death and which payment shall continue for the remainder of his or her lifetime ~~or until he or she becomes the dependent of another person~~. Payment of the appropriate monthly amount shall be made to the surviving spouse for the account of any deceased member of the State Police who had retired without optional modification under this paragraph as of September 23, 1971, and shall not be retroactive.

Sec. 2. 5 MRSA § 1121, sub-§ 1, ¶ D, 2nd ¶, as last amended by PL 1975, c. 622, § 45, is amended to read:

Upon the death of a law enforcement officer of the Department of Marine Resources or a law enforcement officer of the Department of Inland Fisheries and

Wildlife who is the recipient of a retirement allowance under this section, without optional modification, or is retired under the disability provisions, the surviving spouse, shall become entitled to a retirement allowance which shall be equal to $\frac{1}{2}$ of the amount being paid at the time of his death and which payment shall continue for the remainder of his or her lifetime ~~or until he or she becomes the dependent of another person.~~

Sec. 3. 5 MRSA § 1121, sub-§ 7, last sentence, as amended by PL 1975, c. 622, § 51, is further amended to read:

Such pension shall be paid to the surviving spouse until he or she dies ~~or becomes the dependent of another person,~~ and to a child or children until they die or reach the age of 18 years.

Sec. 4. 5 MRSA § 1121, sub-§ 10, first sentence, as last amended by PL 1973, c. 619, is further amended to read:

A former elected Governor, who has attained the age of 65, and the ~~unremarried~~ widow of a Governor shall become entitled to a retirement allowance at the rate of $\frac{3}{8}$ of the annual salary being paid the current Governor on the date the application for benefits is received by the board of trustees.

Sec. 5. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (a), first sentence, as last amended by PL 1975, c. 622, § 55, is further amended to read:

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, commencing the first month after such death occurs, and continuing until the date of his death ~~or until he becomes the dependent of another person, whichever happens first,~~ providing that either the deceased 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.

Sec. 6. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (b), as last amended by PL 1975, c. 622, § 55, is further amended to read:

(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, 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.~~

Sec. 7. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (d), first sentence, as last

amended by PL 1975, c. 622, § 55, is further amended to read:

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, commencing the first month after the attainment of 60 years of age and continuing until the date of his death.

Sec. 8. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (f), as last amended by PL 1975, c. 622, § 55, is repealed.

Sec. 9. 5 MRSA § 1125, sub-§ 3, first sentence, as last amended by PL 1975, c. 770, § 25, is further amended to read:

Each annual sum provided for in subsections 1-A and 2 shall be paid to the surviving spouse until he or she dies ~~or becomes the dependent of another person~~ and to a child or children until they die or reach the age of 18 years.

STATEMENT OF FACT

This bill deletes from the Maine State Retirement Statutes those provisions which stop a spouse receiving survivor's benefits from continuing to receive them if that spouse becomes the dependent of another person either before the age of 60 or otherwise. Thus, under this bill persons will not be stopped from remarrying just because they would lose their survivor's benefits.