

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1338

H. P. 1073

House of Representatives, March 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

Cosponsor: Mr. Tierney of Lisbon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Permit Divorced Persons who are Married More than 15 years to
Claim Retirement Benefits.**

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

5 MRSA § 1129, is enacted to read:

§ 1129. Benefits to certain divorced spouses of members

1. **Eligibility.** A divorced spouse of any member, who was married to that member for at least 15 full years during which the member was in creditable service, shall be entitled to receive benefits pursuant to this section equal to a fractional rate of the benefits to which the member or his beneficiary are entitled. The fractional rate shall equal the sum obtained by multiplying the amount of the appropriate benefit to which the member or beneficiary is entitled by a fraction, the numerator of which is the number of creditable years of service by the member during which the divorced spouse was married to the member, and the denominator of which is the total number of years of creditable service by the member. Any benefits received by a divorced spouse pursuant to this section shall be in addition to any benefits to which a member or his beneficiary or any other subsequent or previous spouse may be entitled under this chapter.

2. Service retirement allowance. Upon retirement of any member pursuant to section 1121, or the applicable provision for service retirement allowances, a divorced spouse of the member who meets the eligibility requirements set out in subsection 1, shall receive a partial benefit computed in accordance with the formula set out in subsection 1. This benefit shall continue during the life of the divorced spouse as long as the benefits of the member or the member's beneficiary on which it is based shall continue and as long as the divorced spouse shall not become the dependant of another person.

3. Disability retirement allowance. Upon retirement of any member pursuant to section 1122, or the applicable provision for disability retirement allowances, a divorced spouse of the member who meets the eligibility requirements set out in subsection 1, shall receive a partial benefit computed in accordance with the formula set out in subsection 1. This benefit shall continue during the life of the divorced spouse as long as the benefits of the member or the member's beneficiary on which it is based shall continue and as long as the divorced spouse shall not become the dependant of another person.

4. Ordinary death benefits. Upon the death of any member pursuant to section 1124, or the applicable provision for ordinary death benefits, a divorced spouse of the member who meets the eligibility requirements set out in subsection 1, shall receive a partial benefit computed in accordance with the formula set out in subsection 1. This benefit shall continue during the life of the divorced spouse as long as the benefits of the member's beneficiary on which it is based shall continue and as long as the divorced spouse shall not become the dependant of another person. Any benefits to which a divorced spouse may be eligible under this subsection shall be in lieu of and not in addition to any benefits to which the spouse may be eligible under the provisions of section 1124.

5. Accidental death benefits. Upon the death of any member pursuant to section 1125, or the applicable provision for accidental death benefits, a divorced spouse of the member who meets the eligibility requirements set out in subsection 1, shall receive a partial benefit computed in accordance with the formula set out in subsection 1. This benefit shall continue during the life of the divorced spouse as long as the benefits of the member's beneficiary on which it is based shall continue as long as the divorced spouse shall not become the dependant of another person.

STATEMENT OF FACT

The purpose of this bill is to provide partial retirement benefits for the divorced spouse of the retirement system members who were married more than 15 years during the members term of public service.