

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1320

S. P. 464

In Senate, March 17, 1981

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

MAY M. ROSS, Secretary of the Senate
Presented by Senator Brown of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Raise Survivors' Benefits in the Maine State Retirement System.

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

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~~ \$150 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. 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 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~~ \$150 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:

One child shall be paid ~~\$100~~ \$150 per month.

Two children shall be paid ~~\$150~~ \$225 per month, which shall be divided equally between them.

Three children or more shall be paid ~~\$200~~ \$300 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~~ \$150 a 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~~ \$150 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~~ \$105 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~~ \$150 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. Application. The increases in the base benefit provided in section 1 shall accrue to all present beneficiaries on the effective date of this Act. The benefits of persons receiving amounts in excess of the new base benefit shall not be affected.

STATEMENT OF FACT

This bill provides a 50% increase in the base benefit for survivors of members. While other benefits have been amended to reflect the effects of inflation, survivor benefits have not been changed since their inception. This change will not apply to local participating districts unless they choose to adopt its provisions.