

# MAINE STATE LEGISLATURE

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(Emergency)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1946

S.P. 717

In Senate, January 4, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 31, 1987. Referred to the Committee on Aging, Retirement and Veterans and 1400 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President PRAY of Penobscot.

Cosponsored by Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake.

STATE OF MAINE

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

AN ACT to Remove Discriminating Language from a  
Section of the Maine Retirement Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary to assure that Maine's citizens are not facing discrimination because of their age; and

Whereas, the current law penalizes individuals who remarry after the age of 70 by discontinuing spousal

benefits; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §17805, sub-§1, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and

Sec. 2. 5 MRSA §17805, sub-§1, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act Resolve shall take effect when approved.

#### STATEMENT OF FACT

Currently, Maine State Retirement laws penalize individuals who marry after the age of 70. Individuals over the age of 70 are not allowed to elect a benefit for their new spouse.

Current law discriminates against people in Maine who decide to remarry after the age of 70; therefore, this bill deletes the section from the law which discriminates against individuals over the age of 70.

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