

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2179

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H.P. 1593 House of Representatives, February 2, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Aging, Retirement and  
Veterans suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative REEVES of Pittston.

Cosponsored by Senator DOW of Kennebec, Representatives  
DELLERT of Gardiner and HICKEY of Augusta.

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STATE OF MAINE

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

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1                   **AN ACT to Revise the Definition of Spouse**  
2                   **Under the Maine State Retirement System.**  
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4 Be it enacted by the People of the State of Maine as  
5 follows:

6           **Sec. 1.**       5 MRSA §17001, sub-§39, as enacted by  
7 PL 1985, c. 801, §§5 and 7, is amended to read:

8           39. Spouse. "Spouse" means the person currently

1 legally married to a member or, if the member is  
2 retired, the person the member was married to at the  
3 time of retirement.

4 **Sec. 2. Application.** This bill shall apply to  
5 all members retiring after September 30, 1985, and to  
6 the determination of spousal benefits in a case where  
7 a member retired prior to September 30, 1985, but dies  
8 after September 30, 1985.

9 STATEMENT OF FACT

10 This bill defines spouse as the person a member of  
11 the Maine State Retirement System was married to at  
12 the time of retirement. This protects the pension  
13 rights of the spouse who was married to the member at  
14 the time the member chose a retirement option  
15 including a spousal benefit. The Maine State  
16 Retirement System's calculation of an actuarially  
17 based reduction in benefit to fund the spousal benefit  
18 is also based on the spouse, specifically the age of  
19 the spouse the member was married to at the time of  
20 retirement. In the case of special spousal benefits  
21 provided certain categories of employees, it protects  
22 the spouse who was married to the member while the  
23 pension was earned from a loss of pension rights  
24 resulting from a divorce which occurs after retirement.

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