

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2221

H.P. 1626 House of Representatives, February 10, 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 and Representative
DELLERT of Gardiner.

STATE OF MAINE

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

1 RESOLVE, to Provide Beatrice Adams of Gardiner
2 Spousal Benefits Based on her Former Husband's
3 Maine State Retirement System Benefits.
4

5 Retirement benefit. Resolved: That the Maine
6 Revised Statutes, Title 5, section 17853, subsection
7 2, incorporates the definition of spouse in effect on
8 January 1, 1976, in the case of Beatrice Adams of
9 Gardiner and that Beatrice Adams is eligible for a
10 special spousal benefit under that subsection.

1

STATEMENT OF FACT

2 Beatrice Adams' husband started receiving benefits
3 from the Maine State Retirement System in 1967.
4 Amendments to the Maine State Retirement System in
5 1971 provided special spousal benefits for employees
6 in Mr. Adams' type of work. The wording of the
7 relevant sections in the 1976 reform, with
8 accompanying effective dates, leads to 2
9 interpretations of how this special benefit applies in
10 Beatrice Adams' case. Mr. Adams divorced his wife in
11 1986, well after he had retired. He died later that
12 same year. Both he and his wife were of the
13 understanding that she would be eligible for a special
14 retirement benefit under the Maine State Retirement
15 System upon his death. Since the divorce occurred
16 after the change in the definition of spouse, the
17 Maine State Retirement System is claiming that
18 Beatrice Adams is not eligible because she does not
19 meet the definition of spouse in effect at this time.
20 Divorced spouses were included in the definition both
21 when the special spousal benefit was enacted in 1971
22 and when the reform was enacted on January 1, 1976.
23 This resolve clarifies the ambiguity in the
24 interpretation of how the 1976 reforms apply in this
25 case.

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