

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 51

S.P. 35

In Senate, December 14, 1990

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative PARADIS of Augusta, Representative DAGGETT of Augusta and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Increase the Flexibility of Survivor Benefit Laws.



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

5 MRSA §17805-A is enacted to read:

§17805-A. Divorce after retirement

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 or 5 is granted a divorce the following provisions apply.

1. Election of benefit for different recipient. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary under the following conditions:

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

B. The recipient and the original spouse must both agree to the change of beneficiary.

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

A. Sending a written request to the executive director; and

B. Submitting evidence of the divorce.

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving.

4. Effective date of coverage of the new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

STATEMENT OF FACT

Under current law, when a retiree divorces, the retiree is unable to remove the divorced spouse as the retirement survivor benefit beneficiary. This bill allows a retiree to change beneficiaries with the agreement of the original spouse.