

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

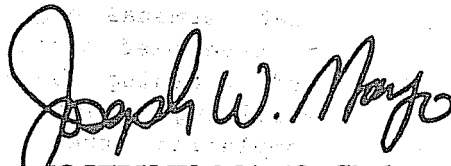
Legislative Document

No. 28

H.P. 25

House of Representatives, January 12, 1993

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative SIMONDS of Cape Elizabeth.

Cosponsored by Senator BRANNIGAN of Cumberland and Representative JALBERT of Lisbon.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-THREE

**An Act to Clarify Eligibility for Ordinary Death Benefits under the  
Maine State Retirement System.**

(EMERGENCY)



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

Whereas, this Act makes changes in survivor benefits under the Maine State Retirement System that are vital to the survivors of members of the system who may die before 90 days after the adjournment of this Legislature; 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. P&SL 1991, c. 122, §1 is amended to read:

Sec. 1. **Maine State Retirement System death benefits to surviving spouses.** Notwithstanding Public Law 1991, chapter 469, a qualifying member of the Maine State Retirement System who was receiving a disability retirement benefit on or after October 9, 1991 ~~due to a terminal condition as defined in the Maine Revised Statutes, Title 18-A, section 5-701~~ and who dies as a result of that terminal disabling condition before July 1, 1993 is deemed to have died after July 1, 1993 for the purposes of calculating and awarding benefits to a surviving spouse, including a surviving spouse of a qualifying member who dies before completing the age and service requirements for service retirement, as provided pursuant to Public Law 1991, chapter 469.

Sec. 2. **Retroactivity.** This Act applies retroactively to April 10, 1992.

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

#### STATEMENT OF FACT

This bill amends the law to clarify the eligibility of a surviving spouse to death benefits under the Maine State Retirement System when the member was receiving a disability retirement benefit and dies as a result of that disabling condition.