



## 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 128

S.P. 67

In Senate, January 25, 1993

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

JOY J. O'BRIEN Secretary of the Senate

Presented by President DUTREMBLE of York

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STATE OF MAINE

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

An Act Regarding Survivor Benefits.

(EMERGENCY)

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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 the availability of survivor benefits under the Maine State Retirement System that are vital to the survivors of members of the system who may die shortly before becoming eligible for retirement benefits and before July 1, 1993; 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,

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

Sec. 1. Maine State Retirement System death benefits to surviving 20 spouses. For the purposes of determining eligibility for benefits under the Maine Revised Statutes, Title 5, section 17954, a surviving spouse may purchase up to 3 months of 22 additional service credit if the surviving spouse makes contributions into the Member's Contribution Fund for that period 24 of additional service credit on the same basis as the qualifying member would have contributed had the member not died. 26 The contributions by the surviving spouse must include interest at a rate to be set by the Board of Trustees of the Maine State 28 Retirement System not to exceed regular interest by more than 5 30 percentage points. The surviving spouse may elect to purchase additional service credit under this section by giving written notice to the Executive Director of the Maine State Retirement 32 System at any time up to one year from the date of death of the qualifying member. 34

36 Sec. 2. Application. This Act applies to all cases in which the death of the qualifying member occurs up to one year prior to 38 the effective date of this Act and before July 1, 1993.

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

## STATEMENT OF FACT

This bill permits the surviving spouse of a deceased member 48 of the Maine State Retirement System to purchase up to 3 months of service credit for the deceased. Under current law, if the 50 member in service dies before July 1, 1993, that member must be

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eligible for retirement at the time of death for the beneficiary to be entitled to receive the member's retirement benefit. This bill makes possible a benefit for the survivor of a member who dies within 3 months of having enough service to be eligible for a retirement benefit.

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