

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1226

S.P. 367

In Senate, February 25, 1997

An Act to Amend the Retirement System as it Pertains to Qualified Survivors.

Reference to the Committee on Labor 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 BENOIT of Franklin.
Cosponsored by Representative GOOLEY of Farmington.

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

2
3 Sec. 1. 5 MRSA §17852, sub-§4, ¶A, as amended by PL 1993, c.
4 387, Pt. A, §11, is further amended to read:

6 A. For a person qualifying under section 17851, subsection
7 4, paragraph A:

8
9 (1) The total amount of the service retirement benefit
10 is:

12 (a) Except as provided in division (b), 1/2 of
13 the person's average final compensation and an
14 additional 2% of the person's average final
15 compensation for each year of membership service
16 not included in determining qualification under
17 section 17851, subsection 4, paragraph A; or

18 (b) If the benefit would be greater, the part of
19 the person's service retirement benefit based upon
20 membership service before July 1, 1976,
21 determined, on a pro rata basis, on the person's
22 current annual salary on the date of retirement
23 and the part of the person's service retirement
24 benefit based upon membership service after June
25 30, 1976, determined in accordance with division
26 (a); and

28
29 (2) Upon the death of a state police officer who is
30 receiving a retirement benefit after qualifying under
31 section 17851, subsection 4, paragraph A, without
32 optional modification, or is retired under article 3 or
33 article 3-A, the surviving spouse is entitled to a
34 retirement benefit that is 1/2 of the amount being paid
35 at the time of the officer's death, unless there is an
36 alternate payee, as defined in section 17001, in which
37 case the alternate payee is entitled to the share of
38 the retirement benefit as determined in the domestic
39 order. The payment must continue for the remainder of
40 the surviving spouse's or alternate payee's lifetime.

42 For the purpose of this subparagraph, "surviving
43 spouse" means the person the retired officer was
44 married to at the time of retirement. If the retired
45 officer was not married at the time of retirement or
46 subsequent to retirement was divorced or widowed, the
47 term means the person legally married to the officer at
48 the time of the officer's death.

