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.

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 Sec. 1. 5 MRSA §17852, sub-§4, ¶A, as amended by PL 1993, c. 4 387, Pt. A, §11, is further amended to read: A. For a person qualifying under section 17851, subsection б 4, paragraph A: 8 (1)The total amount of the service retirement benefit is: 10 12 Except as provided in division (b), 1/2 of the person's average final compensation and an the person's average 14 additional 2% of compensation for each year of membership service not included in determining qualification under 16 section 17851, subsection 4, paragraph A; or 18 If the benefit would be greater, the part of the person's service retirement benefit based upon 20 before July 1, membership service determined, on a pro rata basis, on the person's 22 current annual salary on the date of retirement 24 and the part of the person's service retirement benefit based upon membership service after June 30, 1976, determined in accordance with division 26 (a); and 28 Upon the death of a state police officer who is receiving a retirement benefit after qualifying under 30 section 17851, subsection 4, paragraph A, without optional modification, or is retired under article 3 or 32 article 3-A, the surviving spouse is entitled to a retirement benefit that is 1/2 of the amount being paid 34 at the time of the officer's death, unless there is an alternate payee, as defined in section 17001, in which 36 case the alternate payee is entitled to the share of the retirement benefit as determined in the domestic 38 order. The payment must continue for the remainder of 40 the surviving spouse's or alternate payee's lifetime. purpose of this subparagraph, 42 the spouse" means the person the retired officer was

the time of the officer's death.

married to at the time of retirement. If the retired officer was not married at the time of retirement or

subsequent to retirement was divorced or widowed, the term means the person legally married to the officer at

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Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to cases in progress where the retiree is still alive and the issue of survivorship has not yet arisen.

SUMMARY

Current law regarding survivor benefits for State Police officers provides that the person married to the officer at the time of the officer's death is entitled to the benefits, regardless of whether the officer was married to and divorced from another person prior to the officer's death.

This bill requires that the survivor benefits be paid to a spouse, former spouse, child or other dependent of the officer who has been recognized by a domestic relations order as having a right to receive all or a portion of the benefits payable by the Maine State Retirement System with respect to that officer. This requirement applies to any current cases in which the issue of survivorship has not yet been litigated.