

MAINE STATE LEGISLATURE

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L.D. 2334

DATE: 5-11-00

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "H" to COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by inserting after Part F the following:

PART G

Sec. G-1. 5 MRSA §17804, sub-§5-F, as enacted by PL 1999, c. 744, §8, is amended to read:

5-F. One-time change of beneficiary. If the recipient of a service retirement benefit has elected an optional method of payment under subsection 3, 4, 5, 5-A, 5-B, 5-C, 5-D or 5-E, and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary, but not in the already elected payment option or in the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly notarized, with the executive director on a form provided or specified by the retirement system. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

A. The benefit payable to the recipient and the new beneficiary must be paid under the same payment option. The amount of the recipient's benefit may not change, and the amount of the new beneficiary's benefit must be the same as the amount of the prior beneficiary's benefit.

2 B. The effective date of the designation of the new
beneficiary is the date the designation is received by the
4 executive director. As of the first day of the month
following the effective date of the designation of the new
6 beneficiary, the prior beneficiary is no longer entitled to
any benefit payment and, if concurrent payment under
8 subsection 5-B has been elected, the new beneficiary's
benefit must become effective on the same date.

10 C. The new beneficiary's entitlement to benefits ceases on
the earlier of:

12 (1) The date of the new beneficiary's death; or

14 (2) The date established when the amount of the prior
16 beneficiary's benefit was established, which is the
initial commencement date of benefits to the retiree
18 increased by the life expectancy of the prior
beneficiary computed in years and months using
20 actuarial equivalence assumptions recommended by the
system's actuary.

22 Payment of benefits to the new beneficiary must cease as of
24 the first day of the month following the earlier of
subparagraph (1) or (2).

26 **Sec. G-2. 5 MRSA §18404, sub-§5-F,** as enacted by PL 1999, c.
28 744, §13, is amended to read:

30 **5-F. One-time change of beneficiary.** If the recipient of a
service retirement benefit has elected an optional method of
32 payment under subsection 3, 4, 5, 5-A, 5-B, 5-C, 5-D or 5-E, and
has designated someone other than a spouse or ex-spouse as sole
34 beneficiary, the recipient is permitted a one-time change in the
designated beneficiary, but not in the already elected payment
36 option or in the amount of the benefits under that option, by
filing a written designation of the new beneficiary, duly
38 notarized, with the executive director on a form provided or
specified by the retirement system. The change of beneficiary
40 permitted by this subsection may only be made prior to the death
of the prior designated beneficiary.

42 A. The benefit payable to the recipient and the new
44 beneficiary must be paid under the same payment option. The
amount of the recipient's benefit may not change, and the
46 amount of the new beneficiary's benefit must be the same as
the amount of the prior beneficiary's benefit.

48 B. The effective date of the designation of the new
50 beneficiary is the date the designation is received by the

2 executive director. As of the first day of the month
following the effective date of the designation of the new
4 beneficiary, the prior beneficiary is no longer entitled to
any benefit payment and, if concurrent payment under
6 subsection 5-B has been elected, the new beneficiary's
benefit must become effective on the same date.

8 C. The new beneficiary's entitlement to benefits ceases on
the earlier of:

10 (1) The date of the new beneficiary's death; or

12 (2) The date established when the amount of the prior
14 beneficiary's benefit was established, which is the
initial commencement date of benefits to the retiree
16 increased by the life expectancy of the prior
beneficiary computed in years and months using
18 actuarial equivalence assumptions recommended by the
system's actuary.

20 Payment of benefits to the new beneficiary must cease as of
22 the first day of the month following the earlier of
subparagraph (1) or (2).

24 **Sec. G-3. PL 1999, c. 744, §17** is enacted to read:

26 **Sec. 17. Effective date.** Except for those portions of this Act
28 that enact the Maine Revised Statutes, Title 4, section 1357,
30 subsection 3; Title 5, section 17804, subsection 5-F; and Title
32 5, section 18404, subsection 5-F, this Act takes effect 90 days
after adjournment of the Second Regular Session of the 119th
Legislature.

34 **Sec. G-4. PL 1999, c. 744, Emergency clause** is amended to read:

36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved except as otherwise
38 indicated.

40 **Sec. G-5. Retroactivity.** This Part applies retroactively to
May 3, 2000.'

42 Further amend the amendment by relettering or renumbering
44 any nonconsecutive Part letter or section number to read
consecutively.

HOUSE AMENDMENT "H" to COMMITTEE AMENDMENT "A" to H.P. 1665,
L.D. 2334

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SUMMARY

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This amendment clarifies that only 3 changes implemented by
Public Law 1999, chapter 744 should take effect immediately.

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SPONSORED BY: *Richard H. Thompson*
(Representative THOMPSON)

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TOWN: Naples

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