MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 1984 to June 20, 1985
Chapters 1-384

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

restrictions on that structure. Nothing in this par-
agraph may be construed to permit a municipality to
regulate, under this chapter, a structure which is
located more than 250 feet above the normal high wa-
ter mark.

Effective September 19, 1985.

CHAPTER 61

H.P. 230 - L.D. 271

AN ACT to Clarify Accidental Death Benefits
Payable to Spouses and Children of
Members.

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

Sec. 1. 5 MRSA §1125, sub-§1-A, as amended by PL
1983, c. 146, §3, is repealed and the following en-
acted in its place:

1-A. Members of the retirement system. If a
member of the retirement system dies as the result of
an injury arising out of and in the course of employ-
ment, benefits payable to his beneficiary or benefi-
ciaries shall be as follows:

A. A spouse, alive at the time of death of the
member, shall be paid 2/3 of the average final
compensation of the member. This sum shall be
paid in equal monthly installments commencing the
first month after the death occurs;

B. A spouse, alive at the time of death of the
member, and who has the care of the child or
children, as defined by section 1001, subsection
6, of the member shall be paid an annual sum
equal to the average final compensation of the
member. This sum shall be paid in equal
installments commencing the first month after the
death occurs. At the time the youngest surviving
child becomes ineligible to receive benefits un-
der section 1001, subsection 6, the annual sum
paid shall be reduced to 2/3 average final com-
pensation of the member. If the beneficiaries are
a spouse 'and a child or children not in the care
of the spouse, the benefit provided by this para-

graph shall be divided equally among the benefi-
ciaries; or

C. If there is no spouse alive at the time of
the death of the member, the child or children,
as defined by section 1001, subsection 6, of the
member shall be paid an annual sum equal to the
average final compensation of the member until
the youngest surviving child becomes ineligible
to receive benefits under section 1001, subsec-
tion 6. This sum shall be paid in equal monthly
installments commencing the first month after the
death occurs.

If a retiree receiving a disability retirement allow-
ance dies as the result of an injury arising out of
and in the course of his employment while a member of
the retirement system, the benefits shall be paid to
his spouse and child or children.

Sec. 2. 5 MRSA §1125, as amended by PL 1983, c.
146, §§3 and 4, is further amended by adding at the
end a new paragraph to read:

The amount payable under this section shall be
reduced by any amount received by the spouse and
child or children under Title 39, the Workers' Com-
pensation Act, or similar law. Lump-sum settlements
of benefits that would reduce the accidental death
benefits under this subsection shall be prorated on a
monthly basis in an equitable manner prescribed by
the board of trustees. The prorated lump-sum settle-
ment amounts shall reduce the accidental death bene-
fits payable monthly under this subsection.

Effective September 19, 1985.

CHAPTER 62

H.P. 325 - L.D. 442

AN ACT to Clarify Restoration to Service
Provisions for Recipients of
Disability Allowances and Recipients
of Retirement Allowances.

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