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An Act Regarding Maine Public Employees Retirement System Life Insurance Policies

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide beneficiaries of the Maine Public Employees Retirement System's group life insurance and group accidental death insurance benefits as soon as possible; 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,

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

Sec. 1. 5 MRSA §18057, as amended by PL 1991, c. 480, §5, is further amended to read:

§ 18057. Payments on death

Any amount of group life insurance and group accidental death insurance in force on any employee at the date of ~~his~~ the employee's death shall~~must~~ be paid, upon the establishment of a valid claim, in the following order of precedence.

1. Designated beneficiary. First, to the beneficiary or beneficiaries whom the employee designated in writing, if the written designation was received in the retirement system office or postmarked before the employee's death.

2. Widow or widower. Second, if no beneficiary qualifies under subsection 1, to the widow or widower of the employee.

2-A. Executor or personal representative. Third, if no one qualifies under subsection 1 or 2, to the employee's duly appointed executor or personal representative for distribution according to the provisions of a lawfully executed will. This subsection is applicable only if the retirement system is notified of the appointment of the executor or personal representative within 6 months of the date of death of the employee.

3. Children. ~~Third~~Fourth, if no one qualifies under subsection 1 ~~or~~ 2 or 2A, to the child or children of the employee and descendants of deceased children by representation.

4. Parents. ~~Fourth~~Fifth, if no one qualifies under subsection 1, 2, 2A or 3, to the surviving parent or parents of the employee.

5. ~~Executor or conservator.~~ ~~Fifth, if no one qualifies under subsection 1, 2, 3 or 4, to the duly appointed executor or conservator or the estate of the employee.~~

6. Next of kin. Sixth, if no one qualifies under subsection 1, 2, 2A, 3, ~~or 4 or 5~~, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of ~~his~~ the employee's death.

Sec. 2. 5 MRSA §18657, as amended by PL 1991, c. 480, §10, is further amended to read:

§ 18657. Payments on death

Any amount of group life insurance and group accidental death insurance in force on any employee at the date of ~~his~~ the employee's death ~~shall~~ must be paid, upon the establishment of a valid claim, in the following order of precedence.

1. Designated beneficiary. First, to the beneficiary or beneficiaries whom the employee designated in writing, if the written designation was received in the retirement system office or postmarked before the employee's death.

2. Widow or widower. Second, if there is no beneficiary ~~qualifying~~ qualifies under subsection 1, to the widow or widower of the employee.

2-A. Executor or personal representative. Third, if no one qualifies under subsection 1 or 2, to the employee's duly appointed executor or personal representative for distribution according to the provisions of a lawfully executed will. This subsection is applicable only if the retirement system is notified of the appointment of the executor or personal representative within 6 months of the date of death of the employee.

3. Children. ~~Third~~ Fourth, if no one qualifies under subsection 1 ~~or 2~~ or 2A, to the child or children of the employee and descendants of deceased children by representation.

4. Parents. ~~Fourth~~ Fifth, if no one qualifies under subsection 1, 2, 2A or 3, to the surviving parent or parents of the employee.

5. ~~Executor or conservator.~~ ~~Fifth, if no one qualifies under subsection 1, 2, 3 or 4, to the duly appointed executor or conservator or the estate of the employee.~~

6. Next of kin. Sixth, if no one qualifies under subsection 1, 2, 2-A, 3, ~~or 4 or 5~~, to other next of kin of the employee entitled under the laws of domicile of that employee at the time of ~~his~~ the employee's death.

Sec. 3. Retroactivity; application. This Act applies retroactively to January 1, 2009 to group life insurance and group accidental death insurance claims that have not been paid by the Maine Public Employees Retirement System on the effective date of this Act.

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

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.