

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

July 15, 1942  
Employees' Retirement System

To:  
Earle R. Hayes, Secretary

From:  
John Fessenden, Ass't Attorney General

In reply to your memorandum of July 8, 1942, the answers to your questions are as follows:

1. Contributions by employee members of the Retirement System should be made on the basis of base pay, plus the 10% increase allowed by the legislature. The State's contributions to the System should be made on the same basis.

2. Contributions by employee members in cases involving maintenance should be made on the basis of cash salary, plus the value of maintenance involved.

3. Under Paragraph 4 of Section 227c, the Board of Trustees may, by the exercise of its discretion, deny the right to become members to employees whose status as employees under the Personnel Laws and rules of the State is temporary. Since the laws of the State and the rules of the Personnel Board indicate that persons entering into the classified service are on a temporary basis until the probationary period has been served, the Board will have authority to deny membership until the employee is permanent.

4. The Board of Trustees has authority to establish a rule making a provision that seasonal or part time employees on other than a per annum basis may be admitted to membership with their creditable service being allowed on an accumulative basis. The only limitation upon this authority appears to be that no employee shall be given credit for a year's service when such year includes a period of absence without pay of more than a month's duration.

5. Members absent on leave without pay may continue their contribution if they so desire. It should be noted, however, that in the case of leave of absence without pay in excess of one month in any one year, the employee will not receive service credit nor will the State be required to make contributions even though the employee has continued to make his contribution.

July 15, 1942  
Employees' Retirement System

To:  
Earle R. Hayes, Secretary

From:  
John Fessenden, Ass't Attorney General

In reply to your memorandum of July 10, you are advised that there is no statutory authority whereby in calculating prior service credit, employees of the State who served in the armed forces of the United States during World War I shall be given retirement credit for the time of their absence in the armed forces.