

# 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

August 29, 1942

From:  
John S. S. Fessenden, Deputy Attorney General

To:  
Earle R. Hayes, Secretary  
Retirement Pension System

*In re Retirement at Age 70*

In reply to your memo of August 6th, you are advised, (1), that the Board of Trustees of the Retirement System has no responsibility with respect to the enforcement of retirement at age seventy. The responsibility for enforcement of this part of the statute lies with the Director of the Personnel Board who, by law, has the authority to approve payrolls;

(2), that this retirement is compulsory regardless of the fact that the employee has not become a member of the System;

(3), that it is the intent of the law to prevent the State, as a matter of general policy, from employing persons seventy years of age or older, so that while such persons may become employees on a temporary basis, they may not become employees on a full time basis;

(4), that it is the Controller's responsibility with respect to the payment of salaries to persons over seventy years of age to have an attested copy of the action of the Governor and Council and the action of the Retirement Board relative to continuance in service under the provisions of the law, otherwise such persons should not be paid.

Deputy Attorney General

August 29, 1942

From:  
John S. S. Fessenden, Deputy Attorney General

To:  
Earle R. Hayes, Secretary  
Employees' Retirement System

*In re Status of Employees of the Legislature*

In reply to your memo of August 17, 1942, you are advised that:

1. All employees of the Ninetieth Legislature are eligible to become members of the new retirement system on the basis of their Legislative employment.
2. That Legislative Committee clerks, stenographers, etc., are to be considered as employees of the Legislature as well as the regularly appointed or elected officers of the House and Senate.
3. That such persons should be allowed prior service credit on the basis of the time for which they were in actual employment.

Deputy Attorney General