

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

December 24, 1942

From:

Frank A. Farrington, Deputy Attorney General

To:

Earle R. Hayes, Secretary
Employees' Retirement System

Subject: Prior Service Credit for Employees not in the Employ of the State on July 1st, 1942

Reference is to your memorandum of December 23, 1942. Section 227-A (9) provides that prior service shall mean service rendered prior to the date of establishment of the retirement system, which credit is allowable under Section 227-D. Section 227-D (2) provides that under such rules and regulations as the Board of Trustees shall adopt, each employee *in service on the date of establishment* who becomes a member within one year after the date of establishment, shall file a detailed statement of all service as an employee rendered by him prior to the date of establishment for which he claims credit. Subsequent provisions of Section 227-D provide for issuance of Prior Service Certificates, subject to restrictions contained in the Section. By Section 227-D (2), the statement of prior service is to be filed only by employees in service on date of establishment.

It is the opinion of this department that these provisions of the law preclude giving of prior service credit to employees unless they were actually in the employ of the State on July 1st, 1942.

The conclusion arrived at is borne out by Subsection (6) of Section 227-D, which makes a Prior Service Certificate void when membership in the System ceases, and provides that if the employee again becomes a member, he enters as a member not entitled to prior service credit. To allow a former employee not an employee on the date of establishment of the Act to receive credit for prior service would give more privileges to him than to one who was an employee on the date of establishment, leaves the employ of the State, and later becomes an employee again.

It is my understanding that you have had a special ruling as to part time or seasonal employees who may not have been actually on the payroll on the effective date of the Act. This is in connection with Subsection (4) of Section 227-C as mentioned in the second paragraph of your memo of December 23rd; these employees being considered as regular part-time or seasonal employees. This opinion is not intended to overrule any prior ruling on this particular situation but is intended to apply to persons entering the employ of the State after the effective date of the law.

Deputy Attorney General