

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL



for the calendar years

1941--1942

January 22, 1943

To:

Hon. Sumner Sewall

Executive Department

From:

Frank I. Cowan

Attorney General

*Question #8 on Page 11 of the Booklet Entitled "Retirement Plan for Employees of the State of Maine"*

Part b of the question reads as follows: "What is the status of an employee age 70 on July 1, 1942 who would complete 20 years of service before July 1, 1945." The answer given is: "He is eligible to retire forthwith as though he had completed 20 years of service on a pension as provided under the old system."

This is the interpretation that a majority of the persons making a study of the law arrived at in the Spring of 1942, before we had any opportunity to observe the law in action and before we had a complete report on all possible eligibles.

In the light of the six months of experience we have had since the law took effect, it seems that the proper interpretation should be as follows: "On the date of his completion of 20 years of service prior to July 1, 1945, he will be eligible to retire forthwith on a pension as provided under the old system."

Attorney General

January 25, 1943

To:

Earle R. Hayes, Secretary

Employees' Retirement System

From:

Frank A. Farrington, Deputy

Attorney General

*Retirement Status of Employee-Member*

In your memorandum of January 22, 1943 you ask certain questions concerning an employee of Bangor State Hospital who has fourteen years of prior service credit, who joined the new retirement system last July, who has been on sick leave without pay since July 15, 1942, who is more than 65 years of age and from whose pay no deductions have been made because on sick leave at the time of the first payroll deductions.

It is the opinion of this department that:

1. The fact that no salary deduction was taken does not affect the right of this employee to now retire.
2. The member should be retired in accordance with an application filed under the provisions of §227-E(1)(a). This would preclude retirement as of July 15, 1942.

FRANK A. FARRINGTON

Deputy Attorney General