

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

May 5, 1944

Earle R. Hayes, Secretary, Employees' Retirement System

I interpret the language of the amendment which appears in P. L. 1943, Chapter 50, §1, and which reads as follows:

"Provided further, that any person formerly employed by the state at any time during the period of 3 years prior to July 1, 1942, and who is re-employed by the state at any time prior to July 1, 1945, shall, upon becoming a member, be allowed prior service credit," to mean that if a person was in the employ of the State at any time during the period of three years prior to July 1, 1942, and if he, during that period or during the period up to June 30, 1945, shall have severed his connection with the State, and if, prior to July 1, 1945, he shall have been re-employed by the State, and if he shall then, upon such re-employment, become a member of the Retirement System, he shall be allowed prior service credit.

FRANK I. COWAN

Attorney-General

May 5, 1944

Earle R. Hayes, Secretary, Employees' Retirement System

I am taking this opportunity to reply to a query by W. Mayo Payson, corporation counsel for the City of Portland, which query bears date April 17, 1944, and asks whether or not a 15% temporary emergency increase in salaries needs to be considered in reckoning the amount of contributions and the amount of payment to a retired employee under the Jointly Contributory Retirement System. I find nothing in the law to prevent the Board's accepting a base wage or salary schedule submitted by a local district and ignoring a temporary increase, providing the local district carries a double column of figures, so that the burden shall not be on the Board to determine the amount of the base pay. However, if a local district adopts such a double column system, it must keep the Board fully informed at all times in regard to the actual amount being paid to the employees, both on the base system and the additional compensation, so that the Board can from its own figures determine, when the time for retirement arrives, that the correct basis for retirement compensation is used.

FRANK I. COWAN

Attorney-General

May 10, 1944

Thomas P. Brown, Chairman
Board of Selectmen
Perry, Maine

Dear Sir:—

Your letter of May 4th in regard to the number of voters necessary to be present at a town meeting and to take part in voting in order to vote appropriations legally and to authorize the selectmen to borrow funds, has just come to my attention.

If your meeting is properly called and the voters are warned, it is their right and duty to be present. Any who do not see fit to attend