

MAINE STATE LEGISLATURE

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August 24, 1945

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

Subject: Retirement Status of Dr. Caza

I have your memo of August 23rd, stating that the Board of Trustees are in substantial agreement with my general position relating to the status of Dr. Oliver J. Caza, formerly house physician of the Women's Reformatory at Skowhegan, but have requested you to get a written ruling from me to the effect that Dr. Caza is and always has been in my opinion a State employee and therefore is eligible for retirement benefits under the provisions of the Retirement System Law.

In answer to this question I will say that Dr. Caza has always been carried on the list of salaries of State employees, and you will find him in the list of salaries of State officials and employees as of December 31, 1944, under Women's Reformatory, on page 83 of said pamphlet, issued from the office of Accounts and Control.

I have looked further into the matter and find that his last increase in salary by the trustees of the State Reformatory for Women at Skowhegan was authorized by the Governor and Council, which is the permanent record in the office of the Secretary of State, and the State has been withholding his income tax as a State employee. It is my opinion that he was a State employee. He applied for retirement benefits, but was refused same by reason of a misinterpretation of the law.

The second point which arises in this connection is that Dr. Caza has already severed his connection with the State service, and the Board of Trustees have always taken the position that a person, in order to be eligible for retirement benefits, must be actually employed by the State at the time he applies for such retirement benefits.

In regard to this point, it is my opinion that Dr. Caza did apply to this office and the Commissioner of Institutional Service, Mr. Harrison C. Greenleaf, with a file from your office, and asked for a ruling on this point; and I advised Dr. Caza that I considered that he was an employee of the State and that he was entitled to retirement benefits; but I was advised by your office that he had been ruled out as a State employee by Mr. Mossman when the retirement system law became effective, and for this reason Dr. Caza cannot be deprived of his legal rights as an employee under the Retirement System, where he offered to contribute to the Retirement System fund and was refused. Dr. Caza was in my office after the last conference he had with you and advised me that he was willing to contribute his share to the Retirement System and always had been willing; and it is my advice to the Board of Trustees to accept his contribution under the system and allow him retirement benefits as of the day his services were terminated at the request of Commissioner Greenleaf of Institutional Service.

Ralph W. Farris
Attorney General

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