

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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April 17, 1946

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Members over 65 Years of Age, with 35 Years of Service, No Longer Contributing

I have your memo of April 12th, relating to a member over 65 years of age with 35 years of service, who elected not to make any further contributions when he attained the age of 65. You ask whether or not he is entitled to the annuity provided for under the law for the period for which he did not make contributions. You further state that the Actuary of the System is of the opinion that the law does not contemplate the State's paying an annuity for that period of time following the cessation of the contributions, and you ask me whether or not I agree with this point of view.

In reply I will say that I agree with the stand of the Actuary of the System in this matter.

RALPH W. FARRIS
Attorney General

April 17, 1946

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Status of Employees of Maritime Academy

I received your memo of April 12th, asking my opinion as to the status of the employees of the Maine Maritime Academy at Castine. You ask my opinion specifically as to whether or not the employees of said academy are eligible to become members of the State Employees' Retirement System.

This is a private corporation created by Chapter 37, P&SL 1941, as the Maine Nautical Training School, and the name was changed by Chapter 102 of the P&SL of 1941 to the Maine Maritime Academy, which academy has the same rights and privileges as corporations organized under the general laws. It is my opinion that its employees are not eligible to become members of the State Retirement System without legislative authority.

RALPH W. FARRIS
Attorney General

April 17, 1946

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

I have your memo of April 12th, relating to the provisions of Subsection VI of Section 3 of Chapter 60, R. S. 1944, which provides as follows:

"Should any member in any period of 5 consecutive years after last becoming a member be absent from service more than 3 years. . ."

You ask whether or not the board has any discretion as to what constitutes an absence of three years; or should a former employee who did