

MAINE STATE LEGISLATURE

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12/16/48

January 16, 1948

To Col. Laurence C. Upton, Chief, Maine State Police
Re: Retirement of Chief Inspector James A. Adams

I have your memo of January 16th, relating to the above entitled subject matter. You state that Inspector Adams is eligible for retirement under the provisions of Section 21 of Chapter 13 of the Revised Statutes of 1944. He received his original appointment in April, 1922. You state that you are not sure whether he should be retired on one-half the pay of a captain or one-half the pay of a trooper; and you set forth the following statement of facts:

"The State Police Rules and Regulations provide, 'The term 'Chief Inspector' shall mean the member of the force assigned to special duty with the Secretary of State as authorized by Chap. 13, Sec. 4 of the Revised Statutes of 1944. The member thus assigned shall receive the relative pay of a captain of the State Police.' Chief Inspector Adams was appointed as Chief Inspector and assigned to the Secretary of State August 9, 1940. He has served in that capacity since that time and has, of course, been receiving the pay of a captain. He had previously been a sergeant in the organization but at the time of his transfer to the Secretary of State he was a Trooper."

Your question is, "Would this term 'Chief Inspector' be considered a grade in the State Police?"

After a perusal of Section 4 of Chapter 13, R.S., which provides that members of the State Police may be designated and assigned to special duties as inspectors to enforce the laws, rules and regulations relating to the registration of motor vehicles and to the licensing and operating of motor vehicles, but assignment to special duty shall not affect their powers as State Police, etc.; and after a perusal of Regulation 1, paragraph (d) of the Rules and Regulations of the Department of State Police, revised; passed and approved by the Governor and Council on January 8, 1947, which provides:

"The term 'Chief Inspector' shall mean the member of the force assigned to special duty with the Secretary of State as authorized by Chapter 13, section 4 of the Revised Statutes of 1944. The member thus assigned shall receive the relative pay of a captain of the State Police;"

and in view of the fact that Chief Inspector Adams was appointed August 9, 1940 and has been performing the duties of a captain, with several troopers under him in the performance of his duties in enforcing the motor vehicle laws, as designated by statute, I am of the opinion that the term "Chief Inspector" should be considered a grade in the State Police. Otherwise, he would be relegated to the grade of a trooper, and would lose the pay status he has held

and his rank as a Chief Inspector, which is the equivalent of a captain. This in my opinion would be inequitable.

Therefore for the purposes of the Retirement Act, I rule that Chief Inspector Adams, now receiving the pay of a captain, could be retired as a Chief Inspector with one-half the pay that he was receiving on the date of his retirement.

Ralph W. Farris
Attorney General

RWF:c