

MAINE STATE LEGISLATURE

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January 21, 1948

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Cases of Anton R. Jordan, Employee of State Forestry Department,
and Alton J. Albee, Employed by the State Highway Department

Referring to your memo of December 12, 1947, relating to these above named employees of the State, who have reached the age of 70 years and are eligible for retirement, and also referring to our conversation in my office this morning regarding the status of these two above named State employees:-

It is my opinion that about the only course to pursue on these two cases is to have each department head, where these men were employed, draft council orders requesting from the Governor and Council an extension of service for these employees above named, so that they may be returned to active duty, and after the Governor and Council have granted an extension for these two employees who are over 70 years of age, then they should apply to the Board of Trustees for their retirement benefits, provided they have paid to the State the statutory requirement for prior service credits.

This opinion is based on a study of the statutes and of the files which you made available to my office this morning. After reading the correspondence, memos and papers in the files, I am of the opinion that it would be inequitable and unfair to forever bar these two former State employees by reason of technicalities caused by a revision of the Employees' Retirement System by the last legislature.

It is further my opinion that if the Board of Trustees do not take cognizance of these two cases and take care of them, each one of them will go to the legislature, and in my opinion the legislature would by Resolve place these men in the Retirement System with all their rights and benefits of prior service credits.

Ralph W. Farris
Attorney General

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