

MAINE STATE LEGISLATURE

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November 4, 1948

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

I have your memo of October 19th relating to . . . the case of Mr. Ermo H. Scott, a Deputy in the Department of Education. . . You quote from a memo from Mr. Scott to you as follows:

"I hereby make application for the privilege of purchasing an additional equity in the Employees' Retirement System of the State of Maine to cover six years of out-of-state service while employed by the State of Vermont.

"During these years I served as the head of the four-year, degree-granting State Normal School at Castleton, Vermont. An attested copy of my salary for each of the years is attached.

"During 1940-46 period of service, the only retirement system available to me as a teacher-education employee was the Vermont Teachers' Retirement Association. To that Association I was admissible as a member without restriction, and for that purpose was recognized as holding the status of a public-school-teacher employee.

"If this service is recognized, will you kindly inform me concerning the methods by which payments may be made to the Retirement System to provide for this additional equity."

Paragraph VIII of Section 4 of Chapter 384 of the Public Laws of 1947 provides:

"Prior service credit will be granted to those employees formerly subject to the provisions of sections 221 to 241, inclusive, of chapter 37 of the revised statutes of 1944 for service rendered prior to their attaining age 25, etc., etc."

Section 229 of Chapter 37, R.S. 1944, provides as follows:

"Any member of the retirement association who shall have served as a public school teacher for a period of 30 years, of which 20 years and the last 7 preceding retirement shall have been in this state, may retire from service in the public schools on or after attaining the age of 60 years without forfeiting any of the benefits of the retirement system; and at any time thereafter, if incapable of rendering satisfactory service, such member may be so retired, with the approval of the retirement board."

Under the present law, if Mr. Scott's service in Vermont for which he desires prior service credit was performed before he was 25 years of age, he should be given this credit, as per the provisions of Paragraph VIII of Section 4 of Chapter 384, P.L. 1947.

Another question is whether Mr. Scott was formerly subject to the provisions of Sections 221 to 241. It is my understanding that he had service in Maine with the State Normal School in Castine; but I do not know enough about his prior history to give an opinion without more facts before me.

Ralph W. Farris
Attorney General

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