

# MAINE STATE LEGISLATURE

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No

February 24, 1954

To Earle R. Hayes, Secretary, Maine State Retirement System  
Re: Transfer from Participating District to State Employment

This is in response to your recent request for an interpretation of subsection VIII of Section 16 of Chapter 60 of the Revised Statutes, as amended.

That portion of the law which we are considering relates to the transfer of an employee from one division of our Retirement System to another and his rights to have service benefits earned under his prior employment transferred to the new employment. Your question deals with a former employee of the Town of Brunswick, a participating local district under the Maine State Retirement System, who transferred his employment from that district to the Maine State Police, there being no lapse of time between the date of his separation from service in Brunswick and his entrance upon his duties with the Maine State Police. You ask if, under our law, such employee can withdraw his contributions made while in the employ of the Town of Brunswick.

It is the opinion of this office that, upon severance of his service with one of the several divisions of the Maine Retirement System, such person may withdraw his contributions. For our purposes subsection VIII reads as follows:

" . . . Any employee of a participating local district, as defined by this section, who is a 'member' of the retirement system as defined by section 3, upon termination of his employment as . . . employee of a participating local district, and upon his subsequent re-employment as an 'employee,' 'teacher' or employee of a participating local district as hereinbefore defined, provided he shall not have withdrawn his contributions to said retirement system (shall have certain transfer benefits)."

This section would seem to indicate clearly that upon termination of his employment and subsequent transfer of his employment to another type within the System, an employee may withdraw his contributions; but he may not receive the benefit of having his service retirement benefits transferred to his subsequent employment.

While we do not doubt that such person may withdraw his contributions, we would urge that any person contemplating withdrawing his contributions be advised of the effect of such withdrawal.

James Glynn Frost  
Deputy Attorney General

jgf/c