

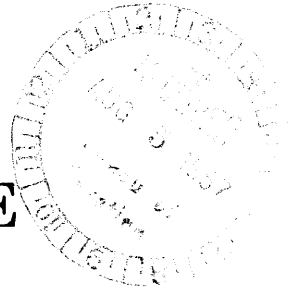
MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

years of teaching service. Boiling the question down still further, it appears that the issue presented is whether teachers who, prior to the 1953 amendment giving vested rights to employees of ten years' employment (leaving in their contributions) may now retire by virtue of the 1953 amendment, when all their service was accumulated prior to August 8, 1953, the effective date of the amendment, and in no case amounted to 25 years.

The first sentence of Section 3-VIII of Chapter 64, R. S. 1954, reads:

"Any employee who is a member of this retirement system may leave state service after 10 years of creditable service and be entitled to a retirement allowance at attained age 60 provided the contributions made by such member have not been withdrawn, and provided further, that his retirement allowance shall be based upon the total number of years of creditable service, in accordance with the provisions of this chapter."

Before Section 3, subsection VIII was amended by Chapter 412, P. L. 1953, an employee who was a member of the Retirement System could leave State service after 30 years of creditable service and be entitled to a retirement allowance at age 60. As noted, the 1953 amendment changed the 30 years to 10 years. The only way that a teacher could now retire who had not taught for 25, 30 or 35 years, or who is not teaching upon reaching the eligible age, would be to qualify under Section 3, subsection VIII, having left the service after 10 years of creditable service and left her contributions in. However, we would refer you to our opinion dated August 13, 1953, in which we stated that the amendment to Section 3, subsection VIII, providing for a 10-year rather than a 30-year vested right, was not retroactive and did not give benefits to one who had left State service prior to the enactment of the amendment.

It is our opinion that teachers who are not eligible for retirement under the provisions of Section 6-XIII, XIV and XV may not be eligible by virtue of the 10-year vested right amendment, unless they left the service after August 8, 1953, the same being the effective date of Chapter 412, P. L. 1953.

JAMES GLYNN FROST
Deputy Attorney General

February 11, 1955

To Julius Greenstein, Chairman, State Boxing Commission

Re: Local Licensing

Your recent inquiry raises the question whether cities and towns may require license fees or tax from boxing promoters in addition to the State Boxing Commission's State license fee and tax.

By Section 7 of Chapter 88 of the Revised Statutes of 1954, the State Boxing Commission has the sole direction, control and jurisdiction over all boxing contests or exhibitions. The words, "or exhibitions," were placed in the law by Chapter 244 of the Laws of 1953. The law in this regard is thus made clearer than it was when this office rendered an opinion on December 12, 1946, that the law which gave the Boxing Commission sole direction, control and jurisdiction had impliedly repealed whatever authority a city may have had theretofore in the premises. The present law is clear that a city or town has no jurisdiction over this subject.

NEAL A. DONAHUE
Assistant Attorney General