

MAINE STATE LEGISLATURE

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September 24, 1956

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To Colonel Robert Marx, Chief, Maine State Police
Re: Widow's Pension, State Police Retirement System, So-called

Under date of July 27, 1956, I rendered an opinion to you that the widow and minor children of an officer of the Maine State Police who should die as the result of injuries received in the line of duty, could not recover, under the existing Maine State Police Retirement System, any pension that might have been due to the deceased trooper. I advised at that time that appropriate amendments be drafted to cover this situation.

Acting on this opinion your representatives contacted the Director of Legislative Research, and he has shown to me, much to my embarrassment, subsection II of Section 10 of Chapter 417 of the Public Laws of 1955, which provides as follows:

"If a member of the state police who is not a member of the retirement system shall die as the result of injury received in line of duty, his widow, or, if none, his child or children under age 18, jointly, shall receive an annual sum equal to 1/2 the annual salary of such officer at the time of his death; such payments shall be made from the appropriation of the state police."

Evidently, in amending the Retirement Law in 1955, this provision was inserted. In my opinion it does not belong in the Maine State Retirement Law but more properly should be removed from that law and placed in Chapter 15, R.S. 1954, along with the other pertinent provisions of the State Police Retirement System.

I trust that no person has been denied any rights under my prior opinion and, if so, that you will review the matter with an eye to seeing that any error would be rectified.

The opinion given on July 27th is, therefore, overruled.

Roger A. Putnam
Assistant Attorney General

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