MAINE STATE LEGISLATURE

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July 9, 1957

To E. L. Walmer, Assistant Executive Secretary, Maine State Retirement
      System
Re: Survivor Benefits under Chapter 367, P. L. 1957.

        We have your memo of June 20, 1957, in which you ask for
an interpretation of Chapter 367 of the Public Laws of 1957, rela-
ting to the Survivor Benefits Law.

        Section 3 of Chapter 367 provides:

        "Each member shall, after July 1, 1957, make
    a contribution of ½% of earnable compensation
    to the survivors' benefit fund as long as he is
    employed."

        The bill was enacted without an emergency clause and there-
fore becomes effective on August 28, 1957. With respect to the law
and the above quoted Section #3 you ask the following questions:

        1. Effective date of this chapter.

        Answer. August 28, 1957.

        2. The date contributions should be started, July 1, 1957,
or August 28, 1957, and if the latter, should they be made retroactive
to July 1, 1957?

        Answer. Under the provisions of the law contributions may
not be deducted before August 28, 1957, at which time the deductions
should be retroactive to July 1, 1957.

        Ordinarily, laws are interpreted to be prospective only,
and are retroactive only if the statute so expressly states, or it
is the only reasonable interpretation from a reading of the entire
statute.

        It is our opinion that the above quoted Section 3 specifi-
cally and clearly requires that the effect of the statute be retro-
active.

        3. The status of any survivor of an eligible member who
dies during the period July 1, 1957, through August 27, 1957.

        Answer. An eligible member not only is subject to the lia-
bilities of an Act such as Chapter 367, but also reaps the benefits
of the Act. The survivor of an eligible member who dies during the
period July 1, 1957, through August 27, 1957, should receive such
benefits as the chapter would ordinarily give to such survivor.

                                James Glynn Frost
                                Deputy Attorney General

jgf/c