

MAINE STATE LEGISLATURE

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November 29, 1961

Miss Ward E. Murphy, Superintendent

Reformatory for Women

Courtland D. Perry, Ass't. Atty. Gen'l.

Mental Health and Corrections

Maine State Retirement System - Out-of-State Service Credits

Your most recent memorandum to Mr. Hayden has been referred to me for reply. After further consideration of your initial question relative to service credits for Federal employees, I have reached the same conclusion expressed in my prior memo to you on the subject.

The language of the statute is clear and unequivocal. It sets forth those persons who fall into the class of out-of-state employees and sets forth those certain past Federal Employment Service employees who are entitled to service credits. The particularity with which the statute is worded gives strength to the interpretation that were other Federal employees meant to be covered the Legislature would have so enumerated.

I am enclosing a memo which was issued from the office of the Attorney General under date of September 23, 1953, pertinent portions of which are marked with red pencil. This memo, although in answer to a somewhat different question than is at issue here, contains relevant language and serves to supplement and back up the opinion contained herein.

I regret that I do not share your view on the proper interpretation of the statute in question. I can understand your interest in assuring potential employees that they are to receive credit for service rendered while in the employ of the Federal Government and that such a factor would be an important selling point, however, we are bound by the clear language of the statute. It is with the Legislature to change the law.

Assistant Attorney General

Opinion seen and approved:

CDP/ems

cc: Attorney General's Office

Attorney General