

MAINE STATE LEGISLATURE

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June 28, 1965

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Retirement

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Retirement Payment to Retired Game Wardens

FACTS:

The 102nd Legislature passed legislation in the form of a Resolve, Chapter 58, increasing the monthly retirement allowance of certain named persons. The resolve carried an appropriation from Fish & Game funds to be paid to the Retirement fund to carry out the purposes of the resolve. This was emergency legislation and was effective when signed, June 4, 1965.

At the same session the Legislature enacted P.L. 1965, Ch. 337, which provided a method of giving general increases to all present and future retirees. This Act was not emergency legislation and will be effective September 3, 1965.

Resolve, Chapter 58, provides in part:

" . . . the Maine State Retirement System shall increase the retirement allowances of the following retired fish and game wardens to an amount which will grant to each of such persons a retirement allowance of \$100 per month until such time as Legislative Document 1509 shall become effective. At such time the Department of Inland Fisheries and Game shall finance the difference between the retirement provided by Legislative Document 1509 and \$100 per month as provided by this resolve: "

Legislative Document 1509 referred to in the resolve is now P.L. 1965, Ch. 337, mentioned above.

The retirement system officials interpret the language of Resolves, Chapter 58, to mean that from June 4, 1965 until September 3, 1965, that the additional costs would be charged to the Department of Inland Fisheries and Game and also that from September 3, 1965 that department would be liable for any difference in cost between the amount to which each might have become eligible and the \$100.00 amount.

QUESTION:

Is the above interpretation correct?

ANSWER:

Qualified yes. See Opinion below.

OPINION:

Resolves, Chapter 58, has two purposes expressed therein.

1. It raises the retirement allowances of 14 specified persons to \$100 per month.
2. It places these persons under the general retirement allowances granted by P.L. 1965, ch. 337; such increase, if any, to be added to the \$100 per month.

The Resolve further provides:

"That the sum of \$33,000 be paid to the Maine State Retirement System from the funds of the Department of Inland Fisheries and Game to carry out this resolve."

Obviously, it is not going to require \$33,000 to raise the retirement payments from present levels to \$100 a month for a 3-month period. It seems evident that the legislature intended this money to defray the costs of both the raise to \$100 per month plus any future increases which might be forthcoming to these people.

George C. West
Deputy Attorney General

GCW:H