

# MAINE STATE LEGISLATURE

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August 5, 1965

Marle R. Hayes, Executive Secretary

Maine State Retirement System

Jerome S. Matus, Assistant

Attorney General

Interpretation of 5 M.R.S.A. § 1121 paragraph E as it relates to State Employees receiving Veterans Administration benefits.

**FACTS:**

Paragraph E of section 1121, Title 5 of the Revised Statutes Annotated provides as follows: "Any teacher now or hereafter retired who is receiving a veterans administration benefit may elect to receive, or not receive, any additional benefit under this chapter if it affects the receiving of any such veterans administration benefit."

Your memorandum dated July 15, 1965 contains the following questions:

"... whether or not this provision could be applied to retired state employees and if in your opinion the Board of Trustees have sufficient authority under the law to make such an application operational."

We have rephrased these questions as follows:

**QUESTION 1:**

Can 5 M.R.S.A. § 1121 paragraph E be applied to retired state employees?

**QUESTION 2:**

If the answer to question 1 is yes, does the Board of Trustees of the Maine State Retirement System have sufficient authority under the law to make such an application operational?

**ANSWER:**

Question 1 - No.

**OPINION:**

The language of 5 M.R.S.A. § 1121 paragraph E does not refer to any person other than any teacher now or hereafter

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retired who is receiving a veterans administration benefit.

It is not possible to construe this provision to include retired state employees. The language of the section does not permit it. The answer to the first question being no, we need not answer the second question.

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Jerome S. Matus  
Assistant Attorney General

JSM/sll