

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

August 17, 1966

E. L. Walter, Executive Secretary  
George C. West, Deputy

Retirement System  
Attorney General

This is an explanation or clarification of the second paragraph of Opinion No. 2 of our opinion of July 20, 1966.

In that paragraph we said:

"In view of our answer to question No. 1, we should state that only military or naval service during the times stated in § 1091 subsection 6 shall be credited."

In § 1091 subsection 6, there are two "times" or "classes" of military or naval services stated. The first is stated in the second sentence as "such classes of military or naval service of the United States, as may be approved by resolution of the board of trustees, . . . ."

The second class is stated in the third sentence as any employee in "the service of the Armed Forces of the United States in time of war including World War I between the dates of April 6, 1917 and March 3, 1921 or while Public Law 759, 80th Congress (Selective Service Act of 1948) or any amendment thereto or extension thereof shall be in effect, shall be considered as an employee under this chapter . . . ." (Emphasis supplied.)

The legislature had previously set up two classes of military or naval service for employees. One is such class as the board may wish to consider. The second is a mandatory class being "in time of war" or while the Selective Service Act of 1948 is in effect.

Employees having periods of service in the second class are automatically entitled to credit up to 4 years for such type of service. Hence, under P.L. 1965, Chapter 497, a present employee is automatically entitled to credit upon proper proof being presented.

E. L. Walter

-2-

August 17, 1966

As to the first class, the board may give credit for such other military service of an employee as it wishes. Of course, the mandatory plus the discretionary may not exceed 4 years. Hence, under P.L. 1965, Chapter 497, a present employee who had comparable military or naval service while not an employee should be treated equally and equitably.

George C. West  
Deputy Attorney General

GCW:H