

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**

March 7, 1968

E. L. Walter

Retirement

Robert G. Fuller, Jr., Assistant

Attorney General

Effect, of retired county employee's appointment as Judge of Probate, upon retirement allowance being paid such employee.

FACTS:

A retired Clerk of Courts who is a member of the State Retirement System through his local participating district presently receives a retirement allowance. This individual is under consideration for appointment to fill a vacancy in the office of Judge of Probate in his county.

QUESTION:

If appointed Judge of Probate, may this retired county employee continue to receive his retirement allowance?

ANSWER:

Yes, provided that his annual "earnable compensation" as Judge of Probate as defined in Me. Rev. Stat. Ann., Tit. 5, § 1001 (9) (Supp. 1967), does not equal or exceed his "average final compensation," as that term is defined in Me. Rev. Stat. Ann., Tit. 5, § 1001 (3) (1964), at the time of his retirement from his former position as Clerk of Courts. See Me. Rev. Stat. Ann., Tit. 5, § 1123, (1964).

Robert G. Fuller, Jr.
Assistant Attorney General

RGFjr/slf