

MAINE STATE LEGISLATURE

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October 15, 1973

W. G. Blodgett, Executive Director

Maine State Retirement System

Charles R. Larouche, Assistant

Attorney General

Retirement, Allowance to Governor and Widow of Governor

This replies to your memo of September 26, 1973, concerning this subject. You ask whether or not 5 M.R.S.A. § 1121, subsection 10, as amended by Chapter 619, P.L. 1973, authorizes payment of a retirement allowance benefit at the rate of 3/8 of the annual salary being paid to the current Governor on the date of application for such benefit in addition to any other retirement allowance benefit authorized under Subchapter V, Chapter 101, of Title 5. The answer to that question is negative.

In the absence of language in subsection 10, section 1121, indicating an intent to confer this benefit as one in addition to any other authorized retirement allowance benefits under the State Retirement System, it must be concluded that this section is intended to confer an optional retirement allowance benefit which may be obtained by an eligible former Governor at his election upon reaching the designated age, and by an eligible widow of a Governor.

However, in view of the distinctive provisions relating to each of these retirement allowance benefits, they must be separately treated. For example, a former Governor who has been receiving a retirement allowance benefit as a result of his membership in the Retirement System can, upon reaching age 65, elect to receive instead the 3/8 benefit provided under 5 M.R.S.A. § 1121, subsection 10.

CHARLES R. LAROCHE
Assistant Attorney General

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