

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**

December 20, 1974

W. G. Blodgett, Executive Director

Maine State Retirement System

Charles R. Larouche, Assistant

Attorney General

Eligibility for Retirement Credits with Participating District for
Former State Service

This replies to your memo dated December 4, 1974, concerning
this subject.

I understand your question to be: Does 5 M.R.S.A. § 1092,
subsection 5, authorize the granting of service credit to a former
State employee by his participating local district employer for
service rendered as a State employee after the date of establishment
of the retirement system? The answer to that question is negative.

5 M.R.S.A. § 1092, subsection 5 reads:

"Membership in the retirement system shall be optional with employees in the service of a participating local district on the date when participation of the local district begins, and any employee then in service who elects to join the retirement system thereafter shall be entitled to prior service credits covering such periods of previous service as shall be certified by the participating local district as creditable prior service rendered to such local district, or to the State, for which the participating local district makes accrued liability contributions and all membership service credits for which contributions are paid into the retirement system by such member. Membership shall be compulsory for all employees entering the service of such participating local districts thereafter, except those who are exempted under subsection 1."

5 M.R.S.A. § 1001, subsection 17 defines the term "prior service" as follows:

"'Prior service' shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under section 1094. In the case of participating local districts 'prior service' shall mean service to the district rendered prior to the district joining the retirement system."

The term "prior service," used in 5 M.R.S.A. § 1092, subsection 5, above-quoted, refers to service rendered prior to the date of establishment of the retirement system, in view of the explicit definition of that term in 5 M.R.S.A. § 1001, subsection 17. Accordingly, it cannot be construed to include service rendered after the date of establishment of the retirement system.

If I can be of any further aid to you in this matter, please advise me.

CHARLES R. LAROCHE