

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**

du ✓

February 18, 1975

W. G. Blodgett, Executive Director

Maine State Retirement System

Charles R. Larouche, Assistant

Attorney General

Automatic Entitlement of Member with Former Service to Pay Back Contributions for his Former Employment

This replies to your memorandum of February 12, 1975, concerning the subject.

I understand your question to be: Can a participating local district refuse to allow an employee of that district to obtain credit for his former service with that employer by refusing to accept his tender of such back contributions? The answer to that question is negative.

5 M.R.S.A. §§ 8 and 10 provide:

"8. Back contributions from July 1, 1942. Any member for whom the date of establishment of the retirement system is July 1, 1942 may, if he so elects, pay into the Members' Contribution Fund any or all back contributions covering any or all of the period from July 1, 1942 to the date when such member first began to make contributions to the retirement system, and receive therefor the proper membership credit for the period for which such back contributions are made."

"10. Former members. Any former member who withdrew his contributions after termination of service may, upon later restoration to membership and prior to the date any retirement allowance becomes effective for him, deposit in the Members' Contribution Fund by a single payment or by an increased rate of contribution an amount equal to the accumulated contributions withdrawn by him together with regular interest thereon from the date of withdrawal to the date the deposit payment or payments are made. Upon completion of such deposit the member shall be entitled to all creditable service that he acquired during his previous membership."

It appears from these provisions that the Legislature has given the employee a right to obtain credit for service by paying for back contributions. Section 8. It has also given to a former member who withdrew his contributions the right to obtain credit for such former

W. G. Blodgett, Executive Director
Page 2
February 18, 1975

service by repaying such withdrawn contributions upon his restoration to service with his former employer. I find no indication of a legislative intent to grant any discretionary authority to the employer (participating local district) in this matter. In either case, the tender imposes a duty upon the district to accept the contributions and to establish or re-establish the requisite reserves.

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

CHARLES R. LAROCHE
Assistant Attorney General

CRL:mfe