

# MAINE STATE LEGISLATURE

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September 25, 1975

Philip R. Gingrow, Asst. Ex. Director

Retirement

Donald G. Alexander, Assistant

Attorney General

**Additional Retirement Allowance for Members under Special Plan**

Your memorandum of September 10 requests an interpretation of when retirees in various special categories may be eligible to receive an additional 2% of average final compensation as provided in P.L. 1975, Chapter 622, §§ 23-A, 41, 44, 46, 49-A, 50 and 50-A. Basically these sections provide for payment, beyond a regular retirement allowance, of an additional 2% of average final compensation for each year of membership service not included in determining age or service conditions or otherwise determining eligibility for retirement.

Under these new sections, a retiree is entitled to the additional 2% of average final compensation for each year served in the position after the minimum service requirement or the minimum age requirement (whichever occurs later where both requirements apply) has been reached. In addition, military credits pursuant to 5 M.R.S.A. § 1094 and prior service credits which are not counted in determining eligibility for retirement may be counted in determining the number of years for which the retiree is entitled to the additional 2% of average final compensation.

In connection with this latter sentence, we note that the definition of "membership service," 5 M.R.S.A. § 1001-13 specifically contemplates those service credits provided by § 1094.

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DONALD G. ALEXANDER  
Assistant Attorney General

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