

MAINE STATE LEGISLATURE

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October 9, 1975

W. G. Blodgett, Executive Director

Retirement System

Donald G. Alexander, Assistant

Attorney General

Town of Rumford Police and Firefighter Benefits

Your memorandum of October 7, 1975 asks for an opinion as to whether the selectmen of the Town of Rumford could unilaterally withhold certain benefits currently provided under the Maine State Retirement System and limit the benefits to their retiring police to those that are spelled out in a union contract: that is the basic 2/3 final compensation after 20 years service, regardless of age. The answer is No.

For the Town of Rumford to withdraw from participation in optional elements of the retirement system, the action to withdraw must be approved by the same body as exercised the option in the first place; the town meeting. The town executive body cannot unilaterally cancel that act of the town legislative body. There may be an additional problem should any of the proposed actions result in reduction of benefits to those already retired. However, we do not reach that question in this opinion as a result of the negative response to the initial question.

DGA/mf

Donald G. Alexander