

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 10, 1975

William G. Blodgett, Director

Dept. Maine State Retirement System

Donald G. Alexander, Assistant

Dept. Attorney General

Subject Participating Local Districts Selecting Different Benefit plans for Different Employees

As we discussed on the phone Monday, there are several pending questions regarding the ability of participating local districts to provide different retirement and/or death benefit plans to different classes of employees. The problem particularly raises itself in dealing with police and firemen where municipalities often wish to make distinctions. I recognize that the effect of the opinions of this office has been to limit the options available in approving such differences in retirement and/or death benefit plans for employees of a particular municipality. This is based on the lack of criteria in the statute for distinguishing among the classes.

As this is an area in which municipalities appear desirous of choosing different plans, it may be appropriate to seek legislative clarification of the law to permit municipalities to make distinctions among various classes of employees to a greater extent than is now possible. This could be done either by identifying right in the statute the methods and criteria by which municipalities could distinguish among employees or, alternatively, giving the trustees of the M.S.R.S. the authority to promulgate regulations establishing the requirements for distinguishing among classes of employees from participating local districts.

In developing such a statute or regulation the retirement system would want to be careful that it not create potential for a great many benefit plans in one municipality. This could lead to accounting complications at both the Maine State Retirement System and, more likely, within the participating local district.

DGA:jg