

MAINE STATE LEGISLATURE

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December 15, 1975

William G. Blodgett, Exec. Director

Maine State Retirement System

Donald G. Alexander, Assistant

Attorney General

**Participating District Authority to Grant Special Benefits to
Firefighters and Policemen**

Your memorandum of October 24, 1975, asks: "May a participating local district provide benefits such as are available under 5 M.R.S.A. § 1124 to one department of its local government and not to others?"

As to general employees, this question was answered by the memorandum to you of May 7, 1974, indicating that except for policemen, firefighters, sheriffs and full-time deputy sheriffs, a local government may not make any distinction in retirement plans applicable to the various other groups of its employees. The basic question now is, may a municipality make a distinction within the special category of policemen, firefighters, sheriffs and full-time deputy sheriffs, granting death benefits to one group within this category that are not granted to another group within this category?

Following the reasoning of the opinion of May 7, 1974, such distinctions within the class of policemen, firefighters, etc. may not be made. The distinctions recognized in § 1092.3 authorize differing retirement benefits for policemen, firefighters, etc. However, § 1092.3 does not apply to § 1124. The general interpretation of § 1092.1 stated in the opinion of May 7, 1974, requires that § 1124 benefits be provided only if they are provided to all within the eligible class.

DONALD G. ALEXANDER
Assistant Attorney General

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