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April 22, 1976

William G. Blodgett, Ex. Secretary

Maine State Retirement System

Donald G. Alexander, Deputy

Attorney General

Interchangeability of Law Enforcement Credits under 5 M.R.S.A. § 1121,
Sub-§11

This responds to your memorandum of April 20th, in which you pose the questions whether pursuant to the provisions of 5 M.R.S.A. § 1121 sub-§11 the service credits of a member of the State Police would be transferable to a Municipal Retirement Program if that police officer transfers to the municipality where the municipality has adopted a retirement program pursuant to 5 M.R.S.A. § 1121, sub-§9.

The key question involves whether the term "law enforcement officer" in sub-§11 means both State Police officers covered by sub-§1C and local police officers covered by sub-§9. The term law enforcement officers is a general term, as such, unless specific exception is contemplated in the statute it would appear to mean all law enforcement officers for whom benefits are designated under § 1121. No exception appears in the statute so that interchangeability of substantially similar benefits among all law enforcement officers covered by § 1121 is possible. The question as to whether or not the benefits are "substantially similar" is for the Board of the Maine State Retirement System to decide. If the benefits are substantially similar interchangeability may occur and the service credits of the State Police officer would be transferable to the municipal retirement program.

DGA/mf