

MAINE STATE LEGISLATURE

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April 30, 1976

W. G. Blodgett, Ex. Director

Maine State Retirement System

Donald G. Alexander, Deputy

Attorney General

Interpretations of the provision relating to 2% per year additional credit for service over and above the minimum years necessary for retirement programs, as adopted in P.L. 1975, Chap. 622.

Your memorandum of April 14, 1976, raises questions regarding proper interpretation of provisions of Chapter 622 of the Public Laws of 1975, which revised the retirement law to provide for additional 2% per year credits for time served after the minimum time necessary for retirement in certain circumstances. Basically, the question is whether to qualify for the 2% per year, the additional time must be served subsequent to the completion of the minimum time specified in the law, or whether such time may be served prior to service in the special group subject to the 2% provisions. The answer is that such service may be provided either prior or subsequent to the service in the special group.

These matters were already addressed in opinion of this office dated September 25, 1975. Generally the 2% provision talks about years of membership service "not included" in determining eligibility. This phrase implies no potential for distinction between service occurring before computations relating to eligibility under a special program began and service after the time for retirement provided in a special program.

DONALD G. ALEXANDER
Deputy Attorney General

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