

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

June 9, 1976

P. R. Gingrow, Ass't. Executive Dir.

Maine State Retirement System

Donald G. Alexander, Deputy

Attorney General

Additional Retirement Allowances for Members under a Special Plan

This responds to your memo of April 28, 1976, by which you ask direction as to application of certain grandfather clause provisions. You specifically mention the application of those grandfather clause provisions to certain Maine State Police officers who are contemplating retirement as of July 1, 1976.

Initially it should be noted that as of that date (July 1, 1976), P.L. 1975, c. 742, § 4, which amended P.L. 1975, c. 622, § 66, would not be in effect. Chapter 742, § 4, was not enacted as emergency legislation. Therefore, it is not effective until near the end of July. However, as Chapter 742, § 4 clearly contemplates calculation and payment of benefits from July 1, 1976, when it becomes effective near the end of July, its provisions would be appropriately considered retroactive to July 1. Thus, where appropriate, retirement computations may be made pursuant to C. 742, § 4, from July 1, 1976, although technically authorization for payment of benefits based on the provisions of C. 742, § 4, would not be in effect until July 29, 1976. Thus, in general, C. 742, § 4, would apply to members under the special plan.

However, it must be noted that as regards State Police, both C. 742, § 4 and C. 622, § 66, reference and amend the effective date of C. 622, § 41. However, by a subsequent enactment, P.L. 1975, c. 770, §§ 23 and 24, § 41 of C. 622 has been repealed and replaced effective on July 1, 1976. Although § 23 of C. 770 amends the same provisions as § 41 of C. 622 (5 M.R.S.A. § 1121-1-C) the fact that the grandfather clause provisions only refer to § 41 of the Public Law and not to the provisions of the Revised Statutes would indicate that the grandfather clause was limited in its application of § 41. Section 41 being repealed, the grandfather clause as regards State Police is no longer in effect. Thus, State Police who retire on or after July 1, 1976, should have their retirement allowances computed in accordance with the provisions of 5 M.R.S.A. § 1121-1-C as enacted by P.L. 1975, c. 770, § 23. This section would include computations relating to an additional 2% of average final compensation for each year of service in excess of 20 years as a State Police officer.

---

Donald G. Alexander  
Deputy Attorney General

DGA:mfe

cc: W. G. Blodgett, Retirement  
Jon Hull, Legislative Staff