

MAINE STATE LEGISLATURE

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July 21, 1976

P. R. Gingrow, Asst. Exec. Dir.

Maine State Retirement System

Donald G. Alexander, Deputy

Attorney General

Application of Set-off Provisions in 5 M.R.S.A. § 1122-5A

Your memorandum of July 14, 1976, poses the question: To what disability benefits will the provisions of the above-cited statute, as enacted by P.L. 1975, c. 622, § 54-B, apply?

You note that by the provisions of Chapter 622, § 66, the new law is intended to apply to "all disability retirement allowance payments due on or after July 1, 1976." Consistent with our opinion of June 29, 1976, on a related subject (application of set-off provisions to employees of participating local districts), it is the view of this office that the provisions enacted by § 54-B of Chapter 622 would be applicable to disability retirement allowances payable as a result of accidents occurring on or after July 1, 1976. Payments of disability retirement allowances as a result of accidents occurring prior to July 1, 1976, should be computed as under the law previously in effect.

It should be noted that neither this opinion nor the opinion of June 29, 1976, should be interpreted to mean that disabled persons would be prevented from receiving increases in benefits which are authorized after the date of their injury. Both opinions simply indicate on which dates rights regarding recovery are fixed. Neither this opinion, nor the opinion of June 29, addressed the question of potential increases in benefits (or general decreases) authorized after the date of a particular injury.

DONALD G. ALEXANDER
Deputy Attorney General

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