

MAINE STATE LEGISLATURE

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Rate increases
Cost of living
increases

§ M.R.S.A. 1128

STATE OF MAINE

Inter-Departmental Memorandum Date November 29, 1976

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

Dept. Maine State Retirement System

From Donald G. Alexander, Deputy

Dept. Attorney General

Subject Cost of Living Increase for Teachers Receiving Retirement Benefits
under the Provisions of Chapter 224, Private and Special Acts of 1973
and Other Similar Legislation

This responds to your memorandum of November 5, 1976, by which you ask: "Are the persons referred to in Section 3 of Chapter 224 of the Private and Special Laws of 1973 entitled to the Cost of Living Increase provided for by Section 9 of Part D of Chapter 147 of the Private and Special Laws of 1976."

The answer is that the persons referred to in Section 3 of Chapter 224, Private and Special Laws of 1973, are not entitled to the cost of living increase provided for by Section 9 of Part D of Chapter 147 if such increases raise their retirement benefit above \$110 per month.

DISCUSSION:

Section 3 of Chapter 224 specifies that it is the intent of the Legislature that the retirement allowances provided therein be limited to \$110 a month and that the provisions of 5 M.R.S.A. § 1128 not apply to increase benefits above the \$110 a month limit. Accordingly, the provisions of § 1128 can only have effect to increase the benefits of the covered retirees up to \$110 a month. P.L. 1975, c. 778, § 3 makes it clear that this limitation does apply to the general cost of living increase given retirees by that Chapter. Private and Special Laws of 1975, c. 147, Part D, § 9, which also grants the cost of living increase to retirees in accordance with § 1128, is silent as to its relation to § 3 of Chapter 224 of the Private and Special Laws of 1973. However, as Chapter 224 itself specifies that the provisions of § 1128 do not apply and as § 9 of Part D specifically ties its increase to the provisions of § 1128, it is clear by the provisions of Chapter 224 that any cost of living increase which would be provided pursuant to § 9 of Part D, P. & S. L. 1975, c. 147, cannot have any effect to increase retirement benefits of the persons named in Chapter 224 above \$110 a month. Of course, to the extent that the named persons in Chapter 224 are not now receiving retirement benefits of \$110, Section 9, or for that matter Chapter 778, may be applied to increase those benefits to the \$110 maximum.



DONALD G. ALEXANDER
Deputy Attorney General

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