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Retirement State Police Special Plan
25 MRSA 1591

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 16, 1977

Honorable Stephen R. Gould
House of Representatives
State House
Augusta, Maine

Dear Representative Gould:

This responds to your request for an opinion relating to interpretation of 25 M.R.S.A. § 1591 relating to State Police retirement. Specifically, your question was as follows: Are State Police retirees who are qualified to receive retirement benefits pursuant to 25 M.R.S.A. § 1591 to be compensated according to the base pay of the retirees' grade at the time of retirement, or at the rate of base pay plus the extra percentage added for non-standard work weeks as authorized by P. & S.L. 1975, c. 147, Part C?

ANSWER:

Initially, it should be noted that 25 M.R.S.A. § 1591 has been repealed, P.L. 1975, c. 208, § 1. However, it remains effective for persons retired under its provisions prior to the effective date of c. 208 (P.L. 1975, c. 208, § 2).

It is our view that the State Police retirees, receiving retirement benefits pursuant to 25 M.R.S.A. § 1591 are entitled to be compensated according to a computation which includes both the base pay and the non-standard work week allowance which applies to the position and grade comparable to that of the State Police retiree at the time of retirement.

We reach this conclusion because it is our understanding that all State Police personnel in certain categories, for example, regular State Police officers who are not recruits, receive pay at specified ranges and steps and also receive additional non-standard work week allowances. Thus, the total "pay per year",

Hon. Stephen Gould
Page 2
February 16, 1977

using the terminology of § 1591, of State Police officers in these certain grades includes their regular pay plus their non-standard work week differential. That being the case, State Police retirees' benefits pursuant to § 1591 must be computed from the same base, including a computation for the non-standard work week differential where the retiree was a member of a category of State Police members now receiving the non-standard work week differential.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

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