

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)

*State Employees' Retirement, effect of change of
classification on benefits*
5 M.R.S.A. 1121-1-E

July 12, 1977

To: W. G. Blodgett, Executive Director, Maine State Retirement System

From: Kay R. H. Evans, Assistant Attorney General

Re: Entitlement of Certain Forestry Personnel to Benefits under
5 M.R.S.A. § 1211-1-E

Your memo of June 1, 1977, raises the question of the continued eligibility of certain employees of the Bureau of Forestry for the benefits specified in 5 M.R.S.A. § 1121-1-E. These employees, formerly classified by the Department of Personnel as "Ranger Pilots," were eligible for the benefits accruing to forest rangers under § 1121-1-E. Presumably they were eligible not because the term "ranger" appeared as part of their class title, but because the nature of their work was that to which the section's benefits were intended to attach. The Ranger Pilot classes have been subsumed, with others, under a new classification, titled "Pilot." You have asked whether

. . . persons in the category of a "pilot" under the Personnel classification system would continue to earn credits as "forest rangers" under 5 M.R.S.A. § 1121-1-E and be entitled to retirement benefits (under the same section).

We conclude that the class title developed by Personnel for Personnel purposes is not conclusive, and may even be irrelevant, to the application of the Retirement System's statutes for Retirement System purposes. Where the nature of the work is or continues to be that to which particular retirement benefits were intended to attach, a change in class title cannot, in reason or fairness, compel a change in benefits. Accordingly, pilots in the Bureau of Forestry who continue to perform the work to which the benefits of § 1121-1-E were intended to attach also continue, regardless of changes in classification, to be eligible for those benefits.

OPINION:

Under § 1121-1-E of Title 5, "(a)ny forest ranger in the Forestry Department" is entitled to special retirement benefits. Attached by the Legislature because of the law enforcement responsibilities and frequently arduous nature of the work performed by forest rangers,^{1/} these benefits have been available to all rangers, including those airborne employees formerly classified by the Department of Personnel as Ranger Pilot I or II.

Personnel has recently absorbed the Ranger Pilot classes into a new class, labelled Pilot, in which it has also included^{2/} the now defunct classes of Aircraft Pilot and Aircraft Pilot Supervisor. The job description for the Pilot class is an amalgam of the requisites of these four former classes, generalized to encompass them.

Your question is whether their reclassification as Pilots renders former Ranger Pilots ineligible for the benefits available to forest rangers under § 1121-1-E. Their original eligibility presumably was not predicated on the appearance of the word "ranger" in their class title, but rather attached by virtue of the nature of the work they performed, as indicated by the Legislature. Ineligibility thus cannot depend on the disappearance of that single word from their class title. Nor do changes in class composition or job description made by the Department of Personnel for its own administrative purposes necessarily affect an employee's status under the Retirement Law. The Retirement System is not bound to apply its own statute in terms of classifications developed by the Department of Personnel. Where to do so would be unreasonable or unfair, it may not do so. When the reason for the provision of particular benefits to a category of members continues to exist, and certain members are among those intended to be benefitted, eligibility continues, despite changes in classification. Those Bureau of

1/ See Statement of Fact, L.D. 418, 1971:

"Forest Rangers have law enforcement responsibilities and in addition are subject to much mental and physical stress during forest fire suppression emergencies."

The L.D. was enacted, with no relevant debate, in an amended form which specifically named forest rangers, see H.P. 60 and 71, 1971. The enacted version was repealed and replaced, again without debate, by the provisions of P.L. 622 §§ 10, 12 and 13, which, for the purposes of the present discussion, constitute the present law.

2/ Executive Pilot and Executive Co-pilot continues to exist as separate classes.

W. G. Blodgett

July 12, 1977

page 3

Forestry pilots who perform or continue to perform work which constitutes eligibility for Retirement System purposes under § 1121-1-E continue to be entitled to its benefits.

The Trustees may want to issue a clarifying bulletin or regulation. For instance, they could in effect adopt the job description of the former Ranger Pilot classes and indicate that a Bureau of Forestry pilot whose work is covered by that job description is deemed a "forest ranger" for the purposes of § 1121-1-E.

KAY R. H. EVANS
Assistant Attorney General

KRHE:jg

cc: Robert Stolt, Personnel