

MAINE STATE LEGISLATURE

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*State Police Retirement
State Employees Police Retirement
25 M.R.S.A. 1591*

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 19, 1977

To: Allan H. Weeks, Commissioner, Department of
Public Safety

From: Donald G. Alexander, Deputy Attorney General

Re: Benefits for Certain Retirees

This responds to the request for advice we have received from your Department relative to computation of retirement benefits for certain retirees.

Specifically, the question posed relates to the proper computation of retirement benefits for former Captains of the Maine State Police who have retired pursuant to the provisions of 25 M.R.S.A. § 1591. We have already issued two opinions interpreting the effect of that section, in relation to implementation of the Hay Study (P. & S.L. 1975, Chapter 147, Part D). Basically, those opinions advised that persons who have retired from the Maine State Police pursuant to the provisions of 25 M.R.S.A. § 1591 are entitled to receive, as a retirement benefit, one-half of the compensation which a current member of the State Police in a comparative position receives pursuant to the Hay Plan. Thus, for example, a person who had retired pursuant to 25 M.R.S.A. § 1591 at the maximum pay in his particular grade would be entitled to 1/2 of the maximum pay which a current member of the State Police with a similar position and at the maximum pay step is entitled to receive pursuant to the Hay Plan.

With that background of law, stated in previous opinions, we have been requested to examine the positions of Captains who are retirees under Section 1591. Prior to implementation of the Hay Plan, Captains of the Maine State Police received a top pay of \$16,556. As a result of operation of the Hay Plan,

compensation for Captains was ultimately established at pay grade 27. The maximum pay in this pay grade, at Step G, is \$19,364.80 annually. Pursuant to the Hay Plan, however, Captains previously receiving the highest pay in their grade were not entitled to receive the compensation provided at Step G of Range 27. This resulted because of the limitation provided by P. & S.L. 1977, Chapter 147, Part D, Section 1, which prohibited assignment of employees to steps within pay ranges which were above Step A if such assignment resulted in a salary increase in excess of 10% of their previous grade level. Accordingly, the highest paid Captains, pursuant to operation of the Hay Plan, were entitled, initially, to receive compensation at the level of Range 27, Step E, \$17,576 - the highest step in Range 27 providing a raise of less than 10% from the previous highest level.

Accordingly, a retirement benefit of one-half of the compensation rate set at Range 27, Step E, was the proper retirement benefit for former Captains who retired at maximum pay subsequent to November 1, 1976. At the point in 1977 where the present senior Captains qualify for merit increases so that they may move from Step E to Step F, benefits for retirees should similarly move to one-half of Step F of Range 27. This move should occur whether existing Captains are actually given their merit increase or not. Similarly, after the appropriate time in 1978 when existing senior Captains would be eligible for merit increases, the benefit for retirees under Section 1591 would move to one-half of the Range 27, Step G pay level.

I hope this information is helpful.


DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Robert Stolt
Rep. Stephen Gould
Captain William Brown
George Davala