

MAINE STATE LEGISLATURE

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Discontinuation or Reduction of Allowance
STATE OF MAINE

Inter-Departmental Memorandum Date June 14, 1978

To Philip Gingrow, Asst. Exec. Dir. Dept. Maine State Retirement System

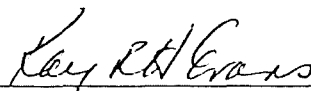
From Kay R. H. Evans, Assistant Dept. Attorney General

Subject Discontinuance or Reduction of Retirement Allowance at Request of
a Retiree

Your memo of October 4, 1977, asks whether the System may, on request from a retiree, discontinue or reduce the retiree's retirement allowance.

I see nothing in the retirement law which would prohibit the System from granting either of such requests. Mandatory terms in sections of the retirement law which specify benefits are related to the entitlement to the benefit, not to its amount. Since actual receipt of a benefit is voluntary, depending in the first instance on a retiree's application, the benefit provisions may be read as establishing an upper limit to the benefit amount. Further, the statute in at least one instance specifically permits a retiree to control the level of benefits by electing to receive or not to receive certain additional amounts, 5 M.R.S.A. § 1121(2)(E).

This matter is one which should be presented to the Trustees for their decision. If the Trustees decide to permit retirees to waive all or a portion of their benefits, regulations as to the operation and effect of such waivers should be promulgated.



KAY R. H. EVANS
Assistant Attorney General

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