

MAINE STATE LEGISLATURE

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Retirement Military Discharges
5 DKB 1074-13

July 6, 1978

W. G. Blodgett, Executive Director

Maine State Retirement System

Kay R. H. Evans, Assistant

Attorney General

Your memo of March 22, 1978, asks whether a discharge for "bad conduct (embezzlement of government funds)" would disqualify a member from purchasing military service credit under 5 M.R.S.A. § 1094(13), which permits such purchase by those members "who were separated under conditions other than dishonorable from the Armed Forces of the United States."

No definition of "conditions other than dishonorable" appears in the retirement law, and there is nothing in the legislative history to suggest a definition. The phrase is drawn from federal law, specifically from provisions administered by the Veterans Administration. Undoubtedly, the Veterans Administration has developed an interpretation of this phrase, and the utilization of that interpretation by the Retirement System would be appropriate.

KAY R. H. EVANS
Assistant Attorney General

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