

MAINE STATE LEGISLATURE

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July 7, 1978

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

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

Re: Retirement Allowance of Former Governors and Widows of Governors: 5 M.R.S.A. § 1121(10)

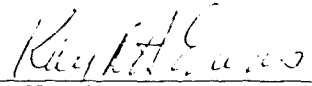
This is written in response to three questions you have raised regarding the interpretation of 5 M.R.S.A. § 1121(10). These questions arose in a discussion of the section and/or were stated in your memo of March 20, 1978. The questions are:

1. To the salary of which Governor is the 3/8 rate to be applied;
2. Is the rate to be applied to succeeding salary adjustments of Governors in office and the allowance adjusted accordingly;
3. Are allowances paid under the section to be increased by the same percentage increases granted other retirees under 5 M.R.S.A. § 1128.

Review of the legislative history is persuasive, that while former Governors become entitled to the allowance on reaching age 65 and widows of Governors become entitled on application for the allowance, the 3/8 rate is in both cases to be applied to the salary of the Governor who is in office on the date the former Governor or widow of a Governor applies for the allowance.

The statute indicates that the allowance determined by applying the 3/8 rate to the salary of the Governor in office on the date of the application is to be adjusted as provided in 5 M.R.S.A. § 1128. The inclusion of an explicit adjustment provision rules out the interpretation that the section implicitly requires adjustment of the allowance with every adjustment to the salary of the Governor in office.

There is nothing to indicate that adjustments to the retirement allowance of a former Governor or of a widow of a Governor are to be made any differently from the adjustments made to the allowances of other retirees under § 1128. Section 1121(10) states simply that "Such adjustments as are granted under section 1128 shall be applied to these payments." Section 1128 provides for allowance adjustments for state retirees generally. Former Governors and widows of Governors are to be included in the general group.



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