

MAINE STATE LEGISLATURE

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Retirement - State Police Department Chief
25 M.R.S.A. § 1591

79-10

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
January 29, 1979

To: John R. Nicholas, Director of Administrative Services, Department of Public Safety
From: Kay R. H. Evans, Assistant Attorney General
Re: Pension Pay - Retired Major Donald Herron

This responds to the question posed to this office by George A. Davala, former Director of Administrative Services at the Department of Public Safety, regarding the appropriate pension pay for Retired Major Donald Herron pursuant to 25 M.R.S.A. § 1591.

In 1959, at the time of Major Herron's retirement, the State Police were an independent agency of State Government, R.S. 1954, c. 15. In 1959, the Major of the State Police was also the Deputy Chief. Since 1959, the State Police have undergone several reorganizations, most recently being incorporated into the broader Department of Public Safety. As a result, we are not in a position to say that the position of Deputy Chief in 1978 is analogous to the position of Deputy Chief as that position existed in 1959. Accordingly, we believe that the grade of Major in the Maine State Police is the appropriate grade for calculation of retired Major Donald Herron's pay as this position is most analogous to the position which Mr. Herron held in the State Police in 1959.

Further, 25 M.R.S.A. § 1501, at the time of Major Herron's retirement and now, authorized the appointment of "a commissioned officer of the State Police" to act as deputy. In other words, appointment as Deputy Chief has no relation to the particular grade of the officer holding the appointment. Under § 1591, retirement pay is based on grade at time of retirement.

I hope this information is helpful.


KAY R. H. EVANS
Assistant Attorney General

cc: Col. Allan H. Weeks
Maj. William Brown
Otto W. Seibert