

MAINE STATE LEGISLATURE

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80-132

RICHARD S. COHEN
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 11, 1980

Honorable William J. Garsoe
70 Blanchard Road
Cumberland, Maine 04021

Dear Representative Garsoe:

You have asked this office when the present legislative session ends for purposes of retirement credit for Legislators. As we understand it, your question is essentially whether you are entitled to a full two years of credit for your final term even though the first session of the 110th Legislature will convene in December of 1980, pursuant to Art. IV, pt. 3, § 1 of the Maine Constitution, and your service began in January of a previous year.

We would answer your question in the affirmative. Pursuant to 5 M.R.S.A. § 1094(17), as amended by P.L. 1979, c. 663, § 15,^{1/} persons who were members of the previous Legislature but who will not be members when the regular session convenes for the first time on December 3, 1980, and I understand that you are in that class, are deemed to be members, for retirement purposes only, through the day prior to the date in January when the Legislature originally convened prior to the 1978 constitutional amendment. The purpose of this statute was clearly to provide full retirement coverage (two years of

1/ That statute reads as follows:

17. Members of the Legislature; retirement purposes. In the event that the Legislature convenes on the first Wednesday in December, for the purposes of eligibility to participate in and receive benefits from the Maine State Retirement System, any person who is a member of the Legislature on the 2nd day next preceding the first Wednesday in December, 1980, shall be deemed to be a member of the Legislature through the day next preceding the first Wednesday after the first Tuesday in January, 1981.

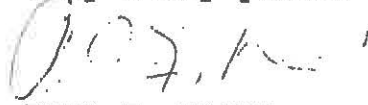
5 M.R.S.A. § 1094(17), as amended
by P.L. 1979, c. 663, § 15:

credit for each term served) to Legislators who, because of the change wrought by that constitutional amendment, would not have served two full years in a given term as a result of the Legislature's convening in December of 1980, rather than January of 1981.

More simply put, you will receive credit for two full years of service for your last term in the Legislature provided you do not resign prior to December 1, 1980.

I hope this information addresses your concern. If you have any further questions, please feel free to contact this office. I am,

Very truly yours,



PAUL F. MACRI
Assistant Attorney General

PFM/cc