

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1844

H.P. 1364

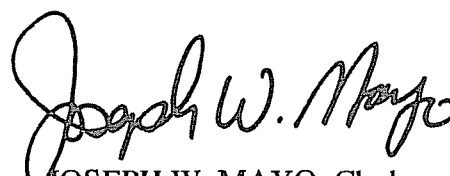
House of Representatives, February 8, 1994

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**An Act to Amend the Maine State Retirement System Laws Relating to  
Provision of Legal Services.**

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Submitted by the Maine State Retirement System pursuant to Joint Rule 24.  
Reference to the Committee on Aging, Retirement and Veterans suggested and ordered  
printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TUFTS of Stockton Springs.  
Cosponsored by Representatives: BARTH of Bethel, CLUKEY of Houlton, VIGUE of Winslow.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 5 MRSA §17102, sub-§8, as enacted by PL 1985, c. 801,  
§§5 and 7, is repealed and the following enacted in its place:

6 8. Legal advisor. The board shall provide for its own  
7 legal services, whether from the Attorney General's office,  
8 through the appointment of a general counsel or the employment of  
9 private legal counsel, or a combination of these, as it  
10 determines necessary.

12 Sec. 2. 5 MRSA §17105, sub-§3, as repealed and replaced by PL  
14 1993, c. 410, Pt. L, §23, is amended to read:

16 3. Staff. The executive director shall employ personnel as  
17 necessary and in accordance with board policy to transact the  
18 business of the system. The executive director may also employ  
19 technical and legal experts and may provide for the legal  
20 services required by staff, whether from the Attorney General's  
21 office, through the employment of staff attorneys or private  
22 legal counsel, or a combination of these, as the executive  
23 director determines necessary. The Attorney General's office,  
24 board's general counsel, any staff attorney or private counsel or  
25 any combination thereof may represent the board of trustees or  
26 its staff in any forum, proceeding, investigation or trial.

## 28 STATEMENT OF FACT

30 Currently, the laws governing the Maine State Retirement  
32 System require that the Attorney General or an assistant attorney  
33 general designated by the Attorney General serve as legal advisor  
34 to the Board of Trustees of the Maine State Retirement System.  
35 Current law also requires that the Attorney General approve the  
36 system's use of private counsel. This bill allows the board of  
37 trustees to use the services of the Attorney General's office,  
38 appoint a general counsel or employ private legal counsel, or use  
39 a combination of these resources, to meet its legal needs. It  
40 also allows for the executive director to provide legal services  
to the system by using the services of the Attorney

2 General's office, by employing staff attorneys or private legal  
counsel, or any combination thereof.

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8       This document has not yet been reviewed to determine the  
10       need for cross-reference, stylistic and other technical  
      amendments to conform existing law to current drafting standards.