

# MAINE STATE LEGISLATURE

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August 17, 1956

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To Earle R. Hayes, Secretary, Maine State Retirement System  
Re: Greater Portland Regional Planning Commission

. . . You inquire whether the Greater Portland Regional Planning Commission established under the provisions of Chapter 42 of the Public Laws of 1955 may become a participating local district under the provisions of the Maine State Retirement Law.

It is the policy of the Federal Social Security Act, Chapter 65, Revised Statutes of 1954, to extend to employees of a political subdivision of the State of Maine the benefits of Social Security. The term "political subdivision" is defined in Section 2 of said chapter, and among other things requires that the instrumentality must be a juristic entity which is legally separate and distinct from the State or subdivision.

In this respect regional planning boards are not juristic entities. Those persons being members of the boards are appointed by municipalities which are members of the boards, and they more closely partake of the nature of employees of the municipalities which appoint them.

It is therefore our opinion that planning commissions as such may not be participating local districts, but that individual members of a regional planning board should be carried in the plan of the particular municipality or county they which represent, providing that such persons are otherwise eligible under the terms of agreements between the State and the municipality or county.

James Glynn Frost  
Deputy Attorney General

jgf/c