

MAINE STATE LEGISLATURE

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April 9, 1970

E. L. Walter, Executive Secretary

Maine State Retirement System

Clayton W. Howard, Assistant

Attorney General

Lewiston Urban Renewal Authority.

SYLLABUS:

An Urban Renewal Authority formed pursuant to 30 M.R.S.A. § 4801, et seq. is a "quasi-municipal" corporation within the meaning of 5 M.R.S.A. § 1092(1) and may thereby participate in the State Retirement System as a "Local District."

FACTS:

The Lewiston Urban Renewal Authority was formed pursuant to Title 30 of the Maine Revised Statutes annotated and has requested coverage in the Maine State Retirement System. The Authority relies on 5 M.R.S.A. § 1092(1) as grounds for its admission into the Retirement System.

QUESTION:

Is the Lewiston Urban Renewal Authority a "Local District" within the meaning of 5 M.R.S.A. § 1092(1) and thereby entitled to participate in the Retirement System?

ANSWER:

Yes.

REASON:

The State Retirement System Act, as amended, allows certain employees of the counties, cities, and towns to voluntarily participate in the State Retirement System. The enabling language appears as follows:

"1. Participating Local Districts. The employees of any county, city, town water district, public library corporation or any other quasi-municipal corporation of the State, a regional planning commission as provided in Title 30, a public housing

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authority as provided in Title 30. . . may participate in the retirement system, to the full extent of any and all benefits provided for in this chapter. . . . " (Emphasis supplied.)

A "quasi-municipal" corporation has been defined as follows:

"A quasi-municipal corporation is not a true municipal corporation having powers of local government, but is merely a public agency endowed with such of the attributes of a municipality as may be necessary in the performance of its limited objective." 52 C.J.S., Municipal Corp., § 1, p. 62.

In more specific terms the Supreme Judicial Court of this State has defined a "quasi-municipal" corporation as follows:

"A body politic and corporate, created for the sole purpose of performing one or more municipal functions, is a quasi-municipal corporation." Woodward v. Livermore Falls Water Dist., 100 A. 317, 319, 116 Me. 86.

The enabling legislation, pursuant to which the subject authority was created, provides that the authority shall be a body politic and corporate and further provides that:

"The Authority shall exercise public and essential governmental functions"
30 M.R.S.A. § 4804.

In conclusion, the Urban Renewal Authority is a body politic and corporate created for the purpose of performing one or more municipal functions and as such qualifies as a "quasi-municipal" corporation within the meaning of 3 M.R.S.A. § 1092(1).

CLAYTON N. HOWARD
Assistant Attorney General

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