

MAINE STATE LEGISLATURE

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September 9, 1971

E. L. Walter, Executive Secretary

Maine State Retirement System

Charles R. Larouche, Assistant
Retirement System: Eligibility
of Bingham Water District

Attorney General

This replies to your August 31, 1971, memorandum request on this subject.

It appears that you have been informed by the Bingham Water District that such District was created by an Act of the Legislature dated February 14, 1911, and that such District is interested in becoming a member of the Maine State Retirement System.

I understand your question to be whether or not such a District is eligible to join the Maine State Retirement System.

The answer to that question is "yes."

Chapter 13 of the Private and Special Laws of 1911, approved February 15, 1911, created the Bingham Water District. On July 15, 1911, a certificate was filed in the Office of the Secretary of State of Maine reflecting that the Act had been accepted by a majority vote of the legal voters within that District. Subsequently the Act was amended several times; however, it appears that such District still exists.

5 M.R.S.A. § 1092 provides that

"The employees of any ...water district...may participate in the retirement system, to the full extent of any and all benefits provided for in this chapter provided the ...Trustees of a water district...approve such participation and file with the board of trustees a duly certified copy of the resolution...approving such participation and the extent of the benefits which shall apply."

Accordingly, it appears that the Bingham Water District is eligible to become a participating district and can thus participate if its trustees so approve and file its resolution with the Maine State Retirement System board of trustees.

CRL/mf

Charles R. Larouche