

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

File *CJ*
October 18, 1972

E.L. Walter, Executive Director

Maine State Retirement System

Charles R. Larouche, Asst. Atty. Gen.

Attorney General

Kennebec Sanitary Treatment District; eligibility for Retirement System, group life insurance and Social Security.

This replies to your memo of October 4, 1972.

You first ask whether or not subject District is eligible to become a participating local district in the Maine State Retirement System and in group life insurance.

This District was created by Chapter 45, P & S Laws, 1971. Section 1 declares it to be a body corporate and politic to provide the inhabitants of the District a system of public sewage disposal. It is clear that this District is an "other quasi-municipal corporation of the State" within the meaning of 5 M.R.S.A. § 1092, subsection 1 and 5 M.R.S.A. § 1153 and that it is eligible to be a participating local district in the State Retirement System and group life insurance.

You next ask whether or not the employees of this District are eligible for social security coverage. Such coverage is available to employees of an instrumentality of the State or of a political subdivision of such instrumentality is -

"a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision."
5 M.R.S.A. § 1222, subsection 6.

Since the District is a body corporate and politic, it is a juristic entity. It is also clear that the District is distinct and separate from the municipalities and the State. For example, the towns may charge the District for lands conveyed to it (Section 2, Chapter 45, P & S. 1971), it can issue bonds or notes without vote of the inhabitants (Section 13, id.), towns must pay the District for the services provided by the District (Section 17, id.) and the District can contract with the State (Section 8, id.). It does not appear that the employees of the District, would be employees of the State, or subdivision, by virtue of such employment by the District. Hence, they are eligible for social security coverage.

CHARLES R. LAROCHE
Assistant Attorney General

CRL/jwp