

MAINE STATE LEGISLATURE

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November 30, 1972

E. L. Walter, Executive Director

Maine State Retirement System

Charles R. Larouche, Assistant

Attorney General

Employee status of Marion M. Bagley

This replies to your memo of November 21, 1972 on the above subject.

You ask whether or not you can consider Marion M. Bagley a "state employee."

5 M.R.S.A. § 1001, subsection 10, defines "employees" as "any regular classified or unclassified officer or employee in a department, including, for the purposes of this chapter, teachers in the public schools, . . .". It appears that the State Personnel Department does not regard her as a state employee, since they do not carry her on their records as a "regular classified or unclassified officer or employee in a department. . .". On the other hand, it appears that the University of Maine considers that she is an employee of that institution; the University calls her a "Research Associate for Special Program Development"; and she is paid by the University with federal funds. Under the above-described circumstances, although she does serve on the Governor's Advisory Council on Vocational Education, it does not appear that she is a "state employee" as defined in 5 M.R.S.A. § 1001, subsection 10.

CHARLES R. LAROCHE
Assistant Attorney General

CRL:mfe

NOT A FORMAL OPINION