

# MAINE STATE LEGISLATURE

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July 29, 1974

William G. Blodgett, Executive Director

Maine State Retirement System

Charles R. Larouche, Assistant

Attorney General

Availability of Social Security Coverage for University of Maine  
Employees Under Maine State Retirement System

This replies to your memorandum request of July 3, 1974.

Your first question reads: "Do you feel that those employees of the University of Maine, who elected to continue membership in the Maine State Retirement System at the time the State colleges were merged into the University of Maine system, would be eligible for Social Security coverage at this point in time?"..The answer to that question is negative.

Chapter 103, Title 5, prohibits social security coverage of "positions covered by any retirement system supported wholly or in part by the State - - -." 5 M.R.S.A. § 1222, subsection 3, and § 1223.

In view of the fact that such employees elected to continue membership in the Maine State Retirement System, they are still in positions covered by a retirement system supported by the State.

I understand that your second question is entirely hypothetical. Accordingly, we will not answer it at this time.

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CHARLES R. LAROCHE  
Assistant Attorney General

CRL/bls

**AN INFORMAL OPINION**