

MAINE STATE LEGISLATURE

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Inter-Departmental Memorandum Date March 1, 1976

To John P. O'Sullivan Dept. Finance & Administration
From Robert J. Stolt, Assistant Dept. Attorney General
Subject Eligibility to participate in Group Accident and Sickness or Health Insurance

This will respond to your memorandum of February 1, 1976, in which you ask whether temporary, project, intermittent and other similar basis state employees are eligible to participate in the State of Maine Group Accident and Sickness or Health Insurance plan.

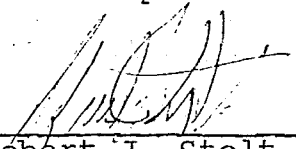
As your memorandum correctly states, only those officers and employees eligible for membership in the Maine State Retirement System are eligible to be insured under the State Accident, Sickness and Health Plan. 5 M.R.S.A. § 285(1)

Generally any person who becomes a state employee is eligible for membership in the State Retirement System, 5 M.R.S.A. § 1091. However, the right to membership is not absolute. It may be denied to certain classes of employees by the Board of Trustees. The authority of the Board to deny membership, although discretionary, is limited to employees who serve on other than a per annum basis. Section 1091(4) of Title 5 provides:

"The board of Trustees may in its discretion, deny the right to become a member to any class of employees whose compensation is only partly paid by the State, with the exception of Teachers, or who are serving on a temporary or other than per annum basis."

On April 13, 1962, the Board of Trustees of the Maine State Retirement System, pursuant to 5 M.R.S.A. § 1091(4), voted to deny the right to become a member of the Retirement System to "persons employed on a per diem basis by the State". . . . The Board's determination of April 13, 1962, is still in effect and applies to "Temporary, project, intermittent and other similar basis state employees."

Consequently, pursuant to 5 M.R.S.A. § 285(1) temporary, project, intermittent and other similar basis state employees" are ineligible for accident, sickness and health insurance coverage under the State plan because they are ineligible for membership in the State Retirement System.



Robert J. Stolt
Assistant Attorney General

RJS:jg