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STATE OF MAINE

Inter-Departmental Memorandum Date March 1, 1976

To Gary R. King, Field Examiner III

Dept. Maine State Retirement System


From Donald G. Alexander, Assistant

Dept. Attorney General

Subject Cumberland County Recreation Center Eligibility to Participate in Social Security under the State Agreement

This responds to your memorandum of February 27, 1976, on the above subject. By opinion of this office dated July 15, 1975, we indicated that the Cumberland County Recreation Center was eligible to be a participating local district pursuant to 5 M.R.S.A. § 1092. Determination of eligibility to participate in the social security program requires further determination as to whether the subject local unit is a "political subdivision" as defined in 5 M.R.S.A. § 1222-6. The key consideration in this matter is whether the unit involved 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 relationship to such juristic entity employees of the State or subdivision."

Authority for the Cumberland County Recreation Center was established by P. & S.L. 1971, Chapter 86. The authorities stated in this law, including those recited in the opinion of July 15, 1975, indicate that the Cumberland County Recreation Center has sufficient independent authority to be considered a separate juristic entity within the meaning of 5 M.R.S.A. § 1222-6. Thus, the Cumberland County Recreation Center is eligible to participate in the social security program under the State agreement.



DONALD G. ALEXANDER
Assistant Attorney General

DGA:mfe

cc: William G. Blodgett