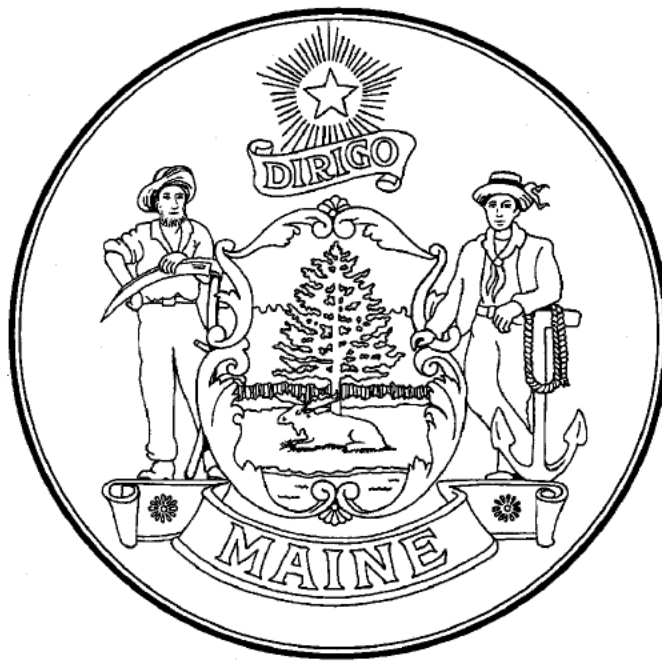


MAINE STATE LEGISLATURE

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April 30, 1976

P. R. Gingrow, Asst. Ex. Director

Maine State Retirement System

Donald G. Alexander, Deputy

Attorney General

Court Employees transferred from County Payroll to State Payroll

This responds to your memorandum of April 16, 1976, in which you pose two questions affecting the transfer of county employees from county payrolls to state payrolls.

Your initial question was: "Do the provisions of 5 M.R.S.A. § 1092 sub-§ 11 apply to employees of the Maine Court System who are transferred from county to state employ." The answer is yes.

Subsection 11 provides that: "Any member of the retirement system whose service is terminated as an employee, either as defined in § 1001 or as an employee of a participating local district, shall, upon subsequent re-employment [with another employer have his membership transferred.] The question you pose particularly is whether the laws implementing the court reorganization, P.L. 1975, Chap 383 and 408 constituted a termination of employment and re-employment to bring this section into play. We believe that those Acts did so. In effect the employment was terminated not by action of the employee, but by statute, similarly the re-employment was by statute. Subsection 11 does not specify the methods of termination or re-employment and such certainly could include governmental reorganization as occurred here.

The second question you pose only required an answer if the answer to the first question is negative. As the answer is positive, there is no response.

DONALD G. ALEXANDER
Deputy Attorney General

DGA:mfe