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October 18, 1977

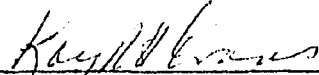
To: W. G. Blodgett, Executive Director
Maine State Retirement System

From: Kay R. H. Evans, Assistant Attorney General

Re: Eligibility of York County Special Education Compact
to Participate in Social Security System under
5 M.R.S.A., c. 103.

In response to your memo of October 11, 1977, this opinion is written to confirm the substance of a telephone conversation with Gary King of your office, in which I advised him that the York County Special Education Compact met the requirements of 5 M.R.S.A., c. 103 for the purpose of providing Social Security coverage for its teacher aides by direct agreement with the Maine State Retirement System.

The Compact qualifies as a "political subdivision," as defined by 5 M.R.S.A. § 1226(6). Under the circumstances of its creation^{1/} and the terms of its Organizational Plan,^{2/} the Compact is clearly an "instrumentality" within the terms of the definition and has an existence sufficiently independent to constitute it a separate "juristic entity." Accordingly, it may provide Social Security coverage for its teacher aides by direct agreement with the Maine State Retirement System.


KAY R. H. EVANS
Assistant Attorney General

KRHE:jg

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- 1/ Creation of the Compact was authorized by c. 43, Resolves of 1977. It was formed by administrative school units in York County to provide special education services on a regional basis.
- 2/ Which I reviewed in connection with your opinion request of September 14, 1977. See Opinion of October 6, 1977.