

MAINE STATE LEGISLATURE

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*Maine Development Foundation
Health Insurance State Agency Hospital
5 M.R.S.A. 285-1*

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

May 5, 1978

John E. Menario, Chairman
Organizing Committee
Maine Development Foundation
One Memorial Circle
Augusta, Maine 04330

Re: Participation in the State Medical/Health Plan by
the Maine Development Foundation.

Dear Mr. Menario:

This responds to your letter seeking advice on the question of whether staff employees of the Maine Development Foundation would be eligible to participate in the State Medical/Health Plan.

The law relating to eligibility for membership in the State Accident and Sickness or Health Insurance Program, 5 M.R.S.A. § 285-1, provides that officers or employees of the State who are eligible for membership in the Maine State Retirement System are eligible for participation in the State Health Insurance Plan.

By opinion of this office dated March 16, 1978, we advised that employees of the Maine Development Foundation are eligible to participate in the Maine State Retirement System. However, that opinion indicated that the eligibility of the employees of the Maine Development Foundation to participate in the State Retirement System was based, not on their status as State employees, but on the fact that the Maine Development Foundation, as an entity, was eligible for status as a local district within the Maine State Retirement System. Therefore, the employees of the Maine Development Foundation were eligible for participation not through their status as employees comparable to State employees, but through their status as employees comparable to local district employees.

For this reason, we must advise that we do not believe that employees of the Maine Development Foundation are eligible for

participation in the State Group Health Insurance Plan.* In this connection, we would note that a similar quasi-independent State authority, the Maine Turnpike Authority, is specifically listed in addition to the regular State employees as eligible to be in the Group Health Plan. This listing would indicate that other independent units which are set up under State law to act as independent bodies are not contemplated within the general area of coverage of 5 M.R.S.A. § 285-1 where they are not specifically listed in that section or else made eligible for participation by their own authorizing statutes.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

* This opinion and the opinion of March 16 are limited to the question of the eligibility of Maine Development Foundation employees for certain State employee benefits. The opinions do not convey any suggestion as to the status of the Maine Development Foundation as a State agency within the State organizational structure for any other purpose.