

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 20, 1980

Honorable David R. Ault  
Maine Senate  
State House  
Augusta, Maine 04333

Dear Senator Ault:

We take this opportunity to respond to your opinion request concerning whether and how Kennebec County may terminate its existing pension plan.

The Social Security plan is governed by federal statute. Since termination from that plan may involve complex questions of federal law, in which we have little expertise, we are unable to advise you on that subject. Rather, we would suggest that you contact the Social Security Administration or those persons associated with the Maine State Retirement System who deal with Social Security matters.

Regarding the cessation of the County's membership in the State Retirement System, there are two methods of withdrawing from that System. If the participating local district ceases to be an employing entity or ceases to exist as an entity, it may withdraw from the Retirement System. 5 M.R.S.A. § 1092(14); see Opinion of the Attorney General, February 25, 1976. We take it that this is not the case for Kennebec County. Alternatively, the County may seek to withdraw by special legislation. The problems inherent in this method, especially with regard to protecting the rights of current members and retirees, are fully discussed in Opinion of the Attorney General, March 12, 1980 (a copy of which is attached hereto).

If you have any further questions, please feel free to contact this office.

Very truly yours,  
  
RICHARD S. COHEN  
Attorney General

RSC/ec  
Enclosure