

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1616

S.P. 560

March 21, 2007

An Act To Allow Temporary State Workers To Contribute to Social Security

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §17601, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is
3 amended to read:

4 **1. State employees.** The head of each department shall submit to the board, on
5 behalf of the employee:

6 A. A statement showing the name, title, compensation, sex, date of birth and length
7 of service of each member of the retirement system in that department and any other
8 information required to administer this Part in the format specified by the executive
9 director; and

10 B. A statement giving whatever information regarding other employees in that
11 department the board may require.

12 This subsection is not applicable to temporary state employees, including temporary
13 employees of the Maine Turnpike Authority, who elect not to become members of the
14 retirement system pursuant to section 17652, subsection 6. Department heads may not
15 make submissions pursuant to this subsection on behalf of such temporary employees.

16 **Sec. 2. 5 MRSA §17652, sub-§6** is enacted to read:

17 **6. Temporary state employees, including temporary employees of the Maine**
18 **Turnpike Authority.** Notwithstanding section 17651, membership in the retirement
19 system is optional for temporary state employees, including temporary employees of the
20 Maine Turnpike Authority.

21 **Sec. 3. 5 MRSA §19002, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is
22 amended to read:

23 **3. Employment.** The term "employment" means any service performed by an
24 employee in the employ of any political subdivision of the State, for such employer,
25 except service which in the absence of an agreement entered into under this chapter
26 would constitute "employment" as defined in the Social Security Act; or service which
27 under the Social Security Act may not be included in an agreement between the State and
28 the Federal Security Administrator entered into under this chapter. Employment in
29 positions covered by any retirement system supported wholly or in part by the State or
30 any of its subdivisions, except employment of temporary state employees, including
31 temporary employees of the Maine Turnpike Authority, who elect not to become
32 members of the retirement system pursuant to section 17652, subsection 6, may not be
33 included in such agreement.

34 **Sec. 4. 5 MRSA §19003, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is
35 amended to read:

36 The state agency, with the approval of the Governor, is authorized and, regarding
37 temporary state employees, including temporary employees of the Maine Turnpike
38 Authority, is directed to enter on behalf of the State into an agreement with the Federal
39 Security Administrator, consistent with the terms and provisions of this chapter, for the

1 purpose of extending the benefits of the Federal Old Age and Survivors Insurance System
2 to employees of any political subdivision of the State, including temporary state
3 employees and temporary employees of the Maine Turnpike Authority, and to the civilian
4 employees of the Maine National Guard who are employed pursuant to section 90 of the
5 National Defense Act of June 3, 1916 (32 U.S.C., Sec. 42), with respect to services
6 specified in such agreement which constitute "employment" as defined in section 19002.
7 Such agreement may contain such provisions relating to coverage, benefits, contributions,
8 effective date, modification and termination of the agreement, administration and other
9 appropriate provisions as the state agency and Federal Security Administrator shall agree
10 upon, but, except as may be otherwise required by or under the Social Security Act as to
11 the services to be covered, such agreement shall provide in effect that:

12

SUMMARY

13 This bill makes membership in the Maine State Retirement System optional for
14 temporary state employees, including temporary employees of the Maine Turnpike
15 Authority, and requires the State to enter into agreements with the Federal Security
16 Administrator to extend social security benefits to them as an alternative.