

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

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

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

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

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

The state agency, with the approval of the Governor, is authorized and, regarding temporary state employees, including temporary employees of the Maine Turnpike Authority, is directed to enter on behalf of the State into an agreement with the Federal Security Administrator, consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the Federal Old Age and Survivors Insurance System to employees of any political subdivision of the State, including temporary state employees and temporary employees of the Maine Turnpike Authority, and to the civilian employees of the Maine National Guard who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U.S.C., Sec. 42), with respect to services specified in such agreement which constitute "employment" as defined in section 19002. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Federal Security Administrator shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

SUMMARY

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