

## §171. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 356, §1 (NEW).]

**1. Board.** "Board" means the Maine Retirement Savings Board under section 172. [PL 2021, c. 356, §1 (NEW).]

**2. Covered employee.** "Covered employee" means an individual who is 18 years of age or older who is employed by a covered employer and who has wages or other compensation that are allocable to the State during a calendar year. "Covered employee" does not include:

- A. An employee covered under the federal Railway Labor Act, 45 United States Code, Section 151; [PL 2021, c. 356, §1 (NEW).]
- B. An employee on whose behalf an employer makes contributions to a multiemployer pension trust fund authorized by the federal Labor Management Relations Act, 1947, Public Law 80-101, known as the Taft-Hartley Act; or [PL 2021, c. 356, §1 (NEW).]
- C. An individual who is an employee of the Federal Government, the State or any other state, any county or municipal corporation or any of the State's or any other state's units or instrumentalities. [PL 2021, c. 356, §1 (NEW).]

"Covered employee" may include a part-time, seasonal or temporary employee only to the extent permitted in rules adopted by the board pursuant to section 174. [PL 2021, c. 356, §1 (NEW).]

**3. Covered employer.** "Covered employer" means a person or entity engaged in a business, industry, profession, trade or other enterprise in the State, whether for profit or not for profit, that has not offered to its employees, effective in form or operation at any time within the current calendar year or 2 preceding calendar years, a specified tax-favored retirement plan. "Covered employer" does not include:

- A. The Federal Government, the State or any other state, any county or municipal corporation or any of the State's or any other state's units or instrumentalities; or [PL 2021, c. 356, §1 (NEW).]
- B. An employer that has not been in business during both the current calendar year and the preceding calendar year. [PL 2021, c. 356, §1 (NEW).]

If an employer does not maintain a specified tax-favored retirement plan for a portion of a calendar year ending on or after the effective date of this chapter, but does adopt such a plan for the remainder of that calendar year, the employer is not a covered employer for the remainder of the year. [PL 2021, c. 356, §1 (NEW).]

**4. Enterprise fund.** "Enterprise fund" means the Maine Retirement Savings Program Enterprise Fund established in section 178. [PL 2021, c. 356, §1 (NEW).]

**5. ERISA.** "ERISA" means the federal Employee Retirement Income Security Act of 1974, as amended, 29 United States Code, Section 1001 et seq. [PL 2021, c. 356, §1 (NEW).]

**6. Internal Revenue Code.** "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended. [PL 2021, c. 356, §1 (NEW).]

**7. IRA.** "IRA" means a traditional IRA or Roth IRA. [PL 2021, c. 356, §1 (NEW).]

**8. Participant.** "Participant" means an individual who has an IRA under the program.

[PL 2021, c. 356, §1 (NEW).]

**9. Payroll deduction IRA or payroll deduction IRA arrangement.** "Payroll deduction IRA" or "payroll deduction IRA arrangement" means an arrangement by which an employer allows employees to contribute to an IRA by means of payroll deduction.

[PL 2021, c. 356, §1 (NEW).]

**10. Program.** "Program" means the Maine Retirement Savings Program established in accordance with this chapter.

[PL 2021, c. 356, §1 (NEW).]

**11. Retirement system.** "Retirement system" means the Maine Public Employees Retirement System established in section 17101.

[PL 2021, c. 356, §1 (NEW).]

**12. Roth IRA.** "Roth IRA" means a Roth individual retirement account or Roth individual retirement annuity described in Section 408A of the Internal Revenue Code.

[PL 2021, c. 356, §1 (NEW).]

**13. Specified tax-favored retirement plan.** "Specified tax-favored retirement plan" means a plan, program or arrangement that is tax-qualified under or described in, and satisfies the requirements of, Section 401(a), Section 401(k), Section 403(a), Section 403(b), Section 408(k), Section 408(p) or Section 457(b) of the Internal Revenue Code, without regard to whether it constitutes an employee benefit plan under ERISA.

[PL 2021, c. 356, §1 (NEW).]

**14. Traditional IRA.** "Traditional IRA" means a traditional individual retirement account or traditional individual retirement annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

[PL 2021, c. 356, §1 (NEW).]

**15. Wages.** "Wages" means any compensation within the meaning of Section 219(f)(1) of the Internal Revenue Code that is received by an employee from an employer during a calendar year.

[PL 2021, c. 356, §1 (NEW).]

## SECTION HISTORY

PL 2021, c. 356, §1 (NEW).

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