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**Public Law**  
123rd Legislature  
First Regular Session

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**Chapter 305**  
**H.P. 258 - L.D. 323**

**An Act Permitting Substitute Teachers To Opt  
Out of the Maine State Retirement System**

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

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

**2. Teachers.** Each superintendent or chief administrator of a public school shall submit the information set out in subsection 1 to the board for all teachers, except substitute teachers who elect not to become members of the retirement system pursuant to section 17652, subsection 6.

**Sec. 2. 5 MRSA §17652, sub-§2,** as amended by PL 2003, c. 261, §§1 and 2, is further amended to read:

**2. Delayed election of membership.** A person, including a substitute teacher, who elects not to join the retirement system at the beginning of ~~his~~that person's employment may at any time apply for and be admitted to membership.

A-1. A person who joins the retirement system under this subsection may purchase service credit for the period during which the person served as an elected official or official appointed for a fixed term or was employed as a substitute teacher but was not a member of the retirement system.

B. Membership service credit for persons joining the retirement system under this subsection ~~shall begin~~begins as of the effective date of first contributions or pick-up contributions to the system.

C. This subsection applies to any member who begins membership after December 31, 1985.

**Sec. 3. 5 MRSA §17652, sub-§6** is enacted to read:

**6. Substitute teachers.** Notwithstanding section 17651, membership in the retirement system is optional for substitute teachers. The right of a substitute teacher to rejoin the retirement system is limited to 2 occurrences.

**Sec. 4. 5 MRSA §17704-A, first ¶,** as amended by PL 2003, c. 261, §6, is further amended to read:

An elected official or, an official appointed for a fixed term or a substitute teacher who began membership after December 31, 1985 may purchase service credit for the period during which that person elected not to be a member of the retirement system if the following requirements are met.

Effective September 20, 2007