

# MAINE STATE LEGISLATURE

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November 17, 1975

William G. Blodgett, Ex. Director

Maine State Retirement System

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Attorney General

Credit under 5 M.R.S.A. § 1094, sub-§14 for teaching under the International Teaching Fellowship

Your memorandum of October 29, 1975, poses the question: can a teacher receive credits under the Maine State Retirement System through 5 M.R.S.A. § 1094, sub-§14 for service on an International Teaching Fellowship in Australia?

The answer is negative.

Subsection 14 appears to cover credit for several types of teaching service:

"Private and parochial school credit. Any public school teacher who renders teaching service in any parochial school or public or private academy may purchase up to 10 years creditable service. Such service credit to be creditable must have been performed in a school approved by the Maine Department of Education or the education department of any of the several states while holding the appropriate teaching certificate during the time of said non-public school service, and such prior service credit can only be secured after 10 years of service in the public schools.

Any public school teacher who leaves service in Maine and who serves as a teacher in Volunteers in Service to America, in the Peace Corps, foreign or domestic, or who teaches children of United States Foreign Service Corps outside the continental limits of the said United States, shall be allowed credit for such service, not to exceed 2 years, provided such teacher returned to active teaching service in Maine within one year of the completion of such service.  
....."

However, none of these would appear to apply to a teaching fellowship in Australia. The first paragraph of sub-§14 applies to parochial schools and either public academies (which in Maine are combined public and private high schools) or entirely private schools. All of these types of schools are located in Maine, and,

as indicated in the second sentence of the first paragraph, receive certain approvals by the Maine Department of Education. This paragraph cannot apply to a public school in another country which school has no approval of the Maine Department of Education. It should be emphasized that giving a school approval, as provided in paragraph 1, and approving an individual to work in a school, as has occurred in the subject case, are entirely different matters.

Paragraph 2 of sub-§14 specifies those services outside of Maine for which credit may be provided. International Teaching Fellowships are not included. As they are not included and as the listing is rather specific, we must assume that International Teaching Fellowships are excluded under the doctrine of statutory interpretation that where specific matters are listed, non listed matters are excluded unless the statute clearly intends otherwise.

We would also note that the out-of-state service credit provisions of sub-§12 do not provide a basis for a credit as requested in the subject case. Title 5 M.R.S.A. § 1001, sub-§15 defines out-of-state service to mean only those types of service rendered to any state, territory or possession of the United States or any political subdivision thereof.

DGA/mf

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