

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

~~the child in school, failed to send the child to school or failed to require the child to regularly attend school~~  
parent is primarily responsible for the child's habitual truancy or the parent failed to take corrective measures for the child's habitual truancy.

**Sec. 10. 22 MRSA §4002, sub-§1**, as amended by PL 1985, c. 739, §1, is further amended to read:

**1. Abuse or neglect.** "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, paragraph C, by a person responsible for the child.

**Sec. 11. 22 MRSA §4002, sub-§6, ¶B**, as amended by PL 2005, c. 373, §4, is further amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6;

See title page for effective date.

## 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.

See title page for effective date.

## CHAPTER 306

### S.P. 270 - L.D. 860

#### An Act To Amend Certain Laws Affecting Transportation

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation makes changes to the law that need to take effect before the end of the summer tourist season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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