

§18251. Compulsory and optional membership**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1991, c. 619, §18) Compulsory membership. Membership is compulsory for all persons entering the service of a participating local district after the date of establishment for the participating local district, except as otherwise provided by subsection 3; section 18201, subsection 3; or section 18256.

[PL 2003, c. 630, Pt. A, §1 (AMD).]

1. (TEXT EFFECTIVE ON CONTINGENCY: See PL 1991, c. 619, §18) Compulsory membership. Membership is compulsory for all employees entering the service of a participating local district after the date of establishment for the participating local district, but not for employees exempted under subsection 2; under section 18201, subsection 3; or under section 18252.

[PL 1985, c. 801, §§5, 7 (NEW).]

2. Optional membership.

[PL 2003, c. 630, Pt. A, §2 (RP).]

3. Optional membership. Membership in the Participating Local District Retirement Program is optional for the following employees of a participating local district:

A. A person in the service of a participating local district on the date of establishment for that participating local district. Once such a person joins the Participating Local District Retirement Program, membership ceases to be optional for that person under this paragraph; [PL 2007, c. 491, §188 (AMD).]

B. An elected official or an official appointed for a fixed term. Special provisions apply to certain officials as follows:

(1) Membership of trustees of a water district is governed by Title 35-A, section 6410, subsection 8;

(2) Membership of trustees of a sanitary district is governed by Title 38, section 1104; and

(3) Membership of trustees of a sewer district is governed by Title 38, section 1036, subsections 7 and 8; [PL 2013, c. 555, §1 (AMD).]

C. A chief administrative officer of a participating local district, whether appointed for a fixed term or appointed with tenure; and [PL 2003, c. 630, Pt. A, §3 (NEW).]

D. A person whose membership is optional under section 18252, 18252-A or 18801. [PL 2003, c. 630, Pt. A, §3 (NEW).]

Except as provided in section 18252-C, a person must make an election at the time of initial hire, or on the date of first eligibility to participate, whichever occurs earlier, whether to be a member of the program.

[PL 2021, c. 286, §1 (AMD).]

4. Delayed election of membership.

[PL 2009, c. 474, §29 (RP).]

5. Reentry.

[PL 2009, c. 474, §30 (RP).]

6. Limitations on claims for participation. If an employee claims that the employee was not offered participation in the program at the commencement of or during the course of employment with the participating local district, that claim must be commenced within 6 years of the date upon which the employee was first eligible for participation in the program.

[PL 2015, c. 384, §2 (NEW).]

7. Participation in other retirement plans. If an employee requests and is allowed retroactive participation in the program, and during the time for which these retroactive retirement benefits are sought the participating local district offered and the employee participated in another retirement plan, all contributions made to the alternative plan by the employer and all earnings made on employer and employee contributions must be paid to the retirement system, up to the amount that the employer is required by the retirement system to pay to fund retroactive benefits under the program. In the event the funds available in the employee's alternative retirement plan account are not sufficient to fund the employer's required contributions to the retirement system, the employer shall pay any remaining employer contributions required by the retirement system to fund retroactive benefits under the program.

[PL 2015, c. 384, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §23 (AMD). PL 1987, c. 739, §§28,48 (AMD). PL 1991, c. 619, §12 (AMD). PL 1991, c. 619, §18 (AFF). PL 1997, c. 709, §2 (AMD). PL 2003, c. 630, §§A1-3 (AMD). PL 2007, c. 491, §§188-190 (AMD). PL 2009, c. 474, §§28-30 (AMD). PL 2011, c. 449, §13 (AMD). PL 2013, c. 555, §1 (AMD). PL 2015, c. 384, §2 (AMD). PL 2021, c. 286, §1 (AMD).

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