

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

May 15, 1986

Honorable Donald V. Carter
P.O. Box 544
Winslow, Maine 04901

Dear Representative Carter:

This will respond to your request for the opinion of this Office as to whether block grant funds made available to school administrative units pursuant to 20-A M.R.S.A. § 13509 may be expended for across-the-board teacher salary increases even if the minimum salary recommendations and requirements established by 20-A M.R.S.A. §§ 13403 and 13404 have already been met. In other words, you have asked whether the phrase "other teacher salary related purposes as locally determined," as used in 20-A M.R.S.A. § 13509(2) and (3) includes across-the-board teacher salary increases. For the reasons discussed below, it is the Opinion of this Office that it does.

20-A M.R.S.A. § 13509(2) and (3) provide that each school administrative unit and qualifying private school shall receive a block grant during the 1986-87 and 1987-88 school years to be used to supplement teacher salaries in accordance with the minimum salary recommendations and requirements set forth in sections 13403 and 13404,^{1/} "and for other teacher salary related purposes as locally determined." (Emphasis supplied). The Legislature, in 20-A M.R.S.A. § 13509(4)(A) has declared the purpose of the block grant payments to be "to assist school

^{1/} 20-A M.R.S.A. § 13403 expresses the Legislature's intent that "each school administrative unit and state-operated school should establish a minimum salary of \$13,500 for certified teachers for the school year starting after June 30, 1986." By virtue of section 13404, the Legislature has established a minimum starting salary of \$15,500 for certified teachers in each school administrative unit and state-operated school after June 30, 1987.

administrative units and qualifying private schools to meet the minimum salary objectives set forth in sections 13403 and 13404 and to otherwise recognize the importance of teaching in the schools of the State." (emphasis supplied).

For purposes of computing the amount of the block grant payable to a school administrative unit, the Commissioner of the Department of Educational and Cultural Services is required to assume a 6% per year teacher salary increase at the local level.^{2/} 20-A M.R.S.A. § 13509(4)(C). In addition, the Legislature has provided that all school administrative units shall receive a minimum grant of \$400 per teacher in 1986-87 and \$800 per teacher in 1987-88. 20-A M.R.S.A. § 13509(4)(D). The Department of Educational and Cultural Services is required to collect information from the school administrative units and to provide for the block grant payments, "based on the submission of information to the Commissioner indicating that those payments are being used to meet the purposes of this section." 20-A M.R.S.A. § 13509(4)(F). Finally, each school administrative unit may carry forward unused block grant money from one fiscal year to the next succeeding year, provided they supply information to the Commissioner indicating that the money to be carried forward will be used to meet the purposes of the law. 20-A M.R.S.A. § 13509(4)(G).

The question you have posed is whether across-the-board salary increases for teachers, above and beyond meeting the minimum salary recommendations and requirements, is a purpose for which the block grant money may be expended. This Department concludes, based upon the plain language of 20-A M.R.S.A. § 13509 and its legislative history, that block grant money may be used for such across-the-board teacher salary increases if the school administrative unit so decides.

As noted above, the Legislature, in enacting 20-A M.R.S.A. § 13509, provided that the block grants which would be available to school administrative units and qualifying private schools were to be used to supplement teacher salaries in accordance with the minimum salary recommendations and requirements "and for other teacher salary related purposes as locally determined." 20-A M.R.S.A. § 13509(2) and (3). Nothing in the plain language of § 13509 suggests that the Legislature intended to preclude a school administrative unit from granting the across-the-board salary increases described

^{2/} The Commissioner is required to review this assumption prior to computing grant amounts for the 1987-88 school year, and the Commissioner is authorized to revise this legislative assumption "if the evidence suggests the need for revision." 20-A M.R.S.A. § 13509(4)(C).

herein. Except for the use of block grant money to meet the minimum salary recommendations and requirements, it is clear that the Legislature contemplated that the use of those block grant funds would be locally determined, provided they are used for "teacher salary related purposes." Across-the-board salary increases for teachers clearly meet this description. Accordingly, where the language of a statute is plain, it must be interpreted "to mean exactly what it says." Davey v. Lincoln County -- A.2d -- (February 28, 1986, slip op. at 6); Concord General Mutual Ins. Co. v. Patrons-Oxford Mut. Ins. Co., 411 A.2d 1017, 1029 (Me. 1980). To conclude otherwise would require this Department to read into § 13509 a limitation on the use of block grant money which the Legislature never expressed and which would be inconsistent with the broad language the Legislature actually used.

This conclusion is supported by the legislative history of 20-A M.R.S.A. § 13509. That statute originated as Committee Amendment "A" to Legislative Document 1580 "AN ACT to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers." Comm. Amend. A to L.D. 1580, No. H-427 (112th Legis. 1985). The Statement of Fact accompanying Committee Amendment "A" is extensive and nowhere suggests that across-the-board salary increases of the type described in your opinion request were to be prohibited. On the contrary, the Statement of Fact suggests just the opposite:

In 1986-87, the Department must distribute at least \$400 per teacher up to a maximum of \$1800 per teacher to each school unit. That money must be used to achieve the recommended \$13,500 starting salary level or, if the unit is at or above that level, for other teacher salary related purposes, as determined by collective bargaining.

This statement indicates that the Legislature intended that use of the block grant funds would be a subject of discussion through the collective bargaining process, and suggests that across-the-board salary increases would be a permissible purpose for which the funds could be expended. See also 20-A M.R.S.A. § 13507(2).

Moreover, on the floor of the House of Representatives, Representative Brown of Gorham, a member of the Committee on Education and a supporter of the Majority Report urging passage

of Committee Amendment "A", moved for acceptance of the Majority Report and made the following statements:

In all other regards, aside from establishing the minimum starting salary for 1987-88, teacher compensation issues will remain locally determined. The structure of the salary schedule above the starting level, the distribution of teachers salary dollars provided by the state, all future minimum starting salaries as well as other compensation related items will continue to be negotiated locally.

Some units will be at or above the recommended 1986-87 and required 1987-88 minimums. Those units will be awarded \$400 and \$800 per teacher in those years respectively to be used for locally determined salary issues or not used at all. That is so as not to penalize units which have been making an effort to raise teachers salaries right along.

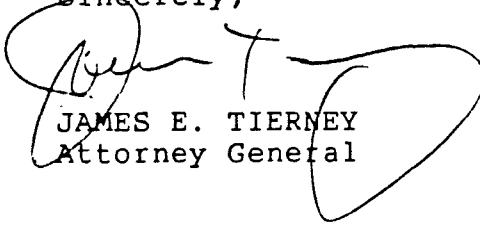
2 Leg. Rec. 1281 (1985). Senator Brown of Washington County made almost identical statements in the Senate. 2 Legis. Rec. 1304 (1985).

The legislative debate in both the House and the Senate focused almost exclusively on the philosophical issue of whether Committee Amendment "A" took away local control by establishing minimum salary recommendations and requirements. Given the nature of that debate, it is, in this Department's view, highly unlikely that the Legislature, without ever saying so, intended to prevent school administrative units from deciding to use block grant money for across-the-board teacher salary increases, above and beyond that necessary to meet the minimum salary recommendations and requirements.

For all of the foregoing reasons, it is the Opinion of this Department that block grant funds provided pursuant to 20-A M.R.S.A. § 13509 may be used for across-the-board salary increases for teachers, above and beyond that which is necessary to meet the minimum teacher salary recommendations and requirements set forth in 20-A M.R.S.A. §§ 13403 and 13404.

I hope this information is helpful to you, and please don't hesitate to contact this office if we can be of further assistance.

Sincerely,



JAMES E. TIERNEY
Attorney General

JET/ec

cc: Richard Redmond,
Commissioner, Department of
Educational and Cultural Services