

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 266

H.P. 218 House of Representatives, January 25, 1983

Received by the Clerk of the House on January 25, 1983. Referred to the Committee on Education, and ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Allen of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT to Penalize Administrative Units
for Employing Noncertified Teachers.**

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

Whereas, there are certain changes that are vitally needed in the education laws; and

Whereas, the new education laws enacted under Public Law 1981, chapter 693 will take effect on July 1, 1983; and

Whereas, needed changes to existing law will conflict with emergence of the new laws, unless passed as an emergency; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 20 MRSA §1753, as amended by PL 1977, c.
10 694, §323, is further amended to read:

11 §1753. Certificate necessary for employment

12 No persons ~~shall~~ may be employed to teach in any
13 school under the supervision and control of any
14 school officials of any administrative unit of this
15 State who do not hold a state certificate as provided
16 for in this Title. An administrative unit which
17 employs a noncertified teacher shall forfeit all
18 state subsidy during the period for which the
19 noncertified teacher was employed. The State Board
20 of Education is authorized to formulate all rules ~~and~~
21 ~~regulations~~ necessary for the carrying out of this
22 section and sections 1751 and 1752. The rules ~~and~~
23 ~~regulations~~ shall be adopted in accordance with the
24 provisions of section 21.

25 Sec. 2. 20 MRSA §1754 is repealed.

26 Sec. 3. 20-A §13003, sub-§2, as enacted by PL
27 1981, c. 693, §§5 and 8, is repealed and the follow-
28 ing enacted in its place:

29 2. Penalty. An administrative unit which
30 employs a noncertified teacher shall forfeit all
31 state subsidy during the period in which the
32 noncertified teacher was employed.

33 Emergency clause. In view of the emergency cited
34 in the preamble, this Act shall take effect when
35 approved, except section 3 shall take effect July 1,
36 1983.

1
2
3
4
5
6
7
8
9
10

STATEMENT OF FACT

This bill places the burden on administrative units not to employ noncertified teachers. Presently, if teachers are employed when they are not fully certified they must pay the penalty. It is necessary to amend these 3 sections because the first 2 sections of the statute are effective until July 1, 1983, when Title 20-A will take effect, making it necessary to amend the last section.

1877011483