

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 473

6
7 H.P. 352

House of Representatives, February 8, 1985

8 On Motion of Representative Brown of Gorham, referred to the
9 Committee on Education. Sent up for concurrence. Ordered sent forthwith.

10 EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Correct Oversights in the Teacher
18 Recognition Grants.
19

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

22 Sec. 1. 20-A MRSA §13502, sub-§2, as enacted by
23 PL 1983, c. 859, Pt. J, § 2, is repealed and the fol-
24 lowing enacted in its place:

25 2. Teacher. "Teacher" means a person certified
26 by the Department of Educational and Cultural Ser-
27 vices who is an employee of a public school, an eli-
28 gible private school or a state operated school in-
29 cluding elementary and secondary teacher, specialized
30 subject teacher, vocational-industrial teacher as de-
31 fined in the certification rules of the State Board
32 of Education.

33 A. "Teacher" includes, by position title, only
34 the following:

- 1 (1) Classroom teacher;
- 2 (2) Itinerant teacher;
- 3 (3) Guidance counselor;
- 4 (4) Librarian-media specialist;
- 5 (5) Special education teacher;
- 6 (6) Special teacher of reading; and
- 7 (7) Speech clinician-teacher;
- 8 (8) School nurse; and
- 9 (10) School psychologist.

10 B. The following positions shall also be in-
11 cluded in the definition of "teacher" if the po-
12 sitions meet the requirements in this section and
13 the persons are licensed although not necessarily
14 certified:

- 15 (1) Physical therapist, occupational thera-
16 pist; and
- 17 (2) Social workers.

18 Sec. 2. 20-A MRSA §13503, as enacted by PL 1983,
19 c. 859, Pt. J, §2, is amended to read:

20 §13503. Teacher recognition grants

21 Teacher recognition grants of \$1,000 shall be
22 awarded twice during the school year to ~~only these~~
23 teachers who have been employed ~~full time~~ in qualify-
24 ing schools ~~since the first day of each corresponding~~
25 ~~semester~~. Teachers employed less than full time or
26 less than a full semester, as determined by the qual-
27 ifying school, shall ~~not~~ receive a prorated grant
28 amount.

29 Sec. 3. 20-A MRSA §13507, as enacted by PL 1983,
30 c. 859, Pt. J, §2, is repealed and the following en-
31 acted to read:

1 §13507. Local collective bargaining

2 1. State-funding recognition grants. The
3 state-funding recognition grants shall not be consid-
4 ered during local collective bargaining for the pur-
5 poses of setting teachers' salaries.

6 2. Maintenance of effort. "Maintenance of ef-
7 fort" means that school administrative units are re-
8 quired as a matter of law to maintain or exceed the
9 percentage increase of the average teachers' salaries
10 in succeeding teacher contracts at no less than the
11 percentage increase in average teachers' salaries in
12 negotiated contracts in that school administrative
13 unit over the past 3 years.

14 3. Bad faith bargaining. Failure of maintenance
15 of effort shall be probable cause of bad faith bar-
16 gaining pursuant to Title 26, sections 964 and 965.

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STATEMENT OF FACT

2 Section 1 adds 5 classifications of classroom
3 teachers who were omitted from the list of teacher
4 titles for receipt of the teacher recognition grants,
5 but who are classified as teachers. These are 151.5
6 school nurses, 12 school psychologists, 5.6 physical
7 therapists, 11.2 occupational therapists and 39.3 so-
8 cial workers.

9 Section 2 provides teacher recognition grants for
10 part-time and part-semester teachers. There are many
11 part-time teachers who job share, teach a portion of
12 a day because there are insufficient students for a
13 full day, teach on a full-time basis but whose duties
14 are between 2 neighboring school administrative
15 units, are state Legislators, have a reduced workload
16 so as to spend part-time on local bargaining agent
17 duties, are teaching principals and for other reasons
18 are less than full-time teachers. Other teachers
19 work only part of a semester.

20 At the time the funding was calculated for the
21 teacher recognition grants, funding was included for
22 part-time teachers on a prorated basis.

23 Section 3 provides for a fair maintenance of ef-
24 fort so that local school administrative units can
25 measure their effort to improve teacher salaries
26 while at the same time have an incentive not to take
27 into consideration at the time teacher salaries are
28 negotiated the teacher recognition grants.

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