

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1571, Bill, "An Act Relating to Level I and Level II Educational Technicians"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, recent changes in Maine State Retirement System and educator certification laws and rules have created confusion and inequity in the treatment, for employment and retirement purposes, of a class of public school employees commonly known as teacher aides; and

Whereas, immediate enactment of legislation is necessary to clarify the confusion and inequity surrounding the employment and retirement status of these employees; 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:

Sec. 1. Retirement coverage for certain teacher aides. Notwithstanding the provisions of any other law or rule, any person employed in a position formerly known as teacher aide who does not meet the applicable standards for educational preparation for level II or level III educational technicians, contained in State Board Rule 115, Part I, sections 14.2(b) and 14.3(b), and who is promoted to a level II or level III educational technician prior to September 1, 1991, retains

retirement coverage by the retirement system or plan under which that person was covered at the time of promotion. Any person covered by this section who later satisfies the educational preparation requirements for level II or level III educational technicians, must be considered a teacher as defined in the Maine Revised Statutes, Title 5, section 17001, subsection 42. Any person hired or promoted as a level II or level III educational technician on or after September 1, 1991 is subject to the provisions of Title 5, Part 20.

Sec. 2. Professional qualifications of teacher aides performing the job of level II or level III education technicians prior to 1991. Any person employed in a position formerly known as a teacher aide or teacher assistant who is promoted by a school administrative unit prior to September 1, 1991, to a level II or level III educational technician whose job function at the time of promotion was that of a level II or level III educational technician, as described in State Board Rule 115, Part I, section 14.2 (a) or 14.3 (a), need not meet the educational preparation standards for those positions set forth in board rule sections 14.2 (b) and 14.3 (b) respectively to be assigned the title of educational technician II or educational technician III. Any person hired or promoted to a level I, II or III educational technician on or after September 1, 1991 must meet educational preparation requirements for that position.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

STATEMENT OF FACT

This amendment replaces the language of the bill with unallocated language clarifying the intent of the bill. The amendment provides that former teacher aides promoted to level II or level III educational technicians before September 1, 1991 retain the type of retirement coverage they had prior to promotion. The amendment also waives the professional certification requirements for teacher aides (level I educational technicians) and teacher assistants (level II educational technicians) hired before September 1, 1991 to be certified as level II or level III educational technicians if they were actually performing the functions of the level II or level III position. The amendment also adds an emergency preamble and emergency clause to the bill.

Reported by the Committee on Education
Reproduced and distributed under the direction of the Clerk of the House
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