

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Sec. 2. 36 MRSA §1760, sub-§48 is enacted to read:

48. Scheduled airlines. The sale or lease of an aircraft, or replacement or repair parts thereof, used by a scheduled airline, based in this State, and which is regularly used in the performance of service under the regulations of the Civil Aeronautics Board, Part 298. This subsection is repealed on July 1, 1987.

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

Effective July 2, 1985.

CHAPTER 505

H.P. 1087 - L.D. 1580

AN ACT to Implement Teacher Recognition
Grants and Establish a Minimum Salary
for Teachers.

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

Sec. 1. 20-A MRSA §256, sub-§1, as amended by PL 1983, c. 860, §1, is further amended to read:

1. Report to Governor and Legislature. The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State, including any suggestions and recommendations to improve public education and including the reporting requirements of section 13506, subsection 3-A.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 2. 20-A MRSA §13402, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 3. 20-A MRSA §§13403 and 13404 are enacted to read:

§13403. Recommended minimum salaries for 1986-87

It is the intent of the Legislature 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.

§13404. Minimum salaries for 1987-88

Each school administrative unit and state-operated school shall establish a minimum starting salary of \$15,500 for certified teachers for the school year starting after June 30, 1987.

Sec. 4. 20-A MRSA §13503, as enacted by PL 1983, c. 859, Pt. J, §§2 and 7, is repealed.

Sec. 5. 20-A MRSA §13503-A is enacted to read:

§13503-A. Teacher recognition grants

Teacher recognition grants of \$1,000 shall be awarded to teachers who are or have been employed in qualifying schools during the 1985-86 school year. The grants shall be issued by the Treasurer of State on February 15, 1986, to those employed during the entire fall semester and on August 15, 1986, to those employed during the entire spring semester.

1. Part-time teachers. The grants will be prorated to teachers whose assignments are less than full time or who job share a single position. No individual teacher may receive more than \$1,000 as a teacher recognition grant.

2. Teachers on sabbatical. All teachers on approved sabbatical leave who are expected to resume their position in a local school unit shall be included as recipients of these grants.

3. Exclusions. The following shall not be eligible for the teacher recognition grants provided in this section:

A. Persons providing contract services to a school administrative unit or units; and

B. Substitute teachers and teachers not employed for the full fall semester or full spring semester of the 1985-86 school year.

Sec. 6. 20-A MRSA §13505, as enacted by PL 1983, c. 859, Pt. J, §2, is amended to read:

§13505. Local filing; certification

Qualifying The chief school administrator of qualifying schools shall file with the commissioner a certified list of teachers eligible to receive grants under this chapter, including their names, mailing addresses, social security numbers, income tax withholding status and current salary. Filing information shall be submitted on or before January 15th for the February 15th schedule of payment; the filing for the August 15th schedule of payment shall be submitted on or before July 15th.

Sec. 7. 20-A MRSA §13506, sub-§§2-A and 3-A, are enacted to read:

2-A. Appeal. Teachers may appeal the teacher recognition grant in writing to a grant review panel or panels by March 15, 1986, for the grant assigned February 15th and by September 15, 1986 for the August 15th grant. The panel or panels shall be composed of one representative of teachers, one representative of school management and one member of the public and shall be reimbursed for their expenses incurred in carrying out their responsibilities under this subsection. The panel or panels shall be established by the commissioner. The cost of administration of the panel or panels shall be deducted from the funds available for block grants established in section 13509.

3-A. Reporting. As part of his or her reporting responsibility under section 256, subsection 1, the commissioner shall report annually to the Governor and the Legislature on the following:

A. Implementation of the teacher recognition grants and block grants for enhancing teacher compensation provided by this chapter;

B. The impact on local communities of the School Finance Act and of implementing increased curriculum and graduation requirements, including recommended ways to meet increased local needs. The commissioner shall estimate projected local costs, including catastrophic costs, and propose alternative methods for meeting those costs, including recommendations for additional state funding of education costs; and

C. The operation of collective bargaining at the local level.

Sec. 8. 20-A MRSA §13507, as enacted by PL 1983, c. 859, Pt. J, §2, is repealed and the following enacted in its place:

§13507. Local collective bargaining

1. Teacher recognition grants. The state-funded teacher recognition grants shall not be considered during local collective bargaining for the purposes of setting teachers' salaries.

2. Block grants. Where a teacher bargaining agent exists, the teacher bargaining agent and school administrative unit or qualifying private school shall, at a minimum, in accordance with the collective bargaining procedures set forth in Title 26, chapter 9-A, negotiate, or where a contract is in effect, reopen negotiations, as to the use of the block grant funds provided in section 13509 for teacher salaries. Any funds not expended locally by the end of one fiscal year are to be expended pursuant to section 13509, subsection 4, paragraph G.

Sec. 9. 20-A MRSA §13508, as enacted by PL 1983, c. 859, Pt. J, §2, is amended to read:

§13508. Future appropriations

It is the intent of the Legislature that at least \$13,500,000 be appropriated in fiscal year 1985-86, at least \$27,000,000 be appropriated in fiscal year 1986-87, and at least \$27,000,000 and any additional funds that may be appropriated in fiscal year 1987-88 by the 112th and 113th Legislatures to carry out the intent of this chapter. It is also the intent that appropriations shall be made in subsequent years to continue the programs established under this chapter. The appropriations referred to in this section shall be placed in a nonlapsing account to be used to carry out the intent of this chapter.

Sec. 10. 20-A MRSA §13509, as enacted by PL 1983, c. 859, Pt. J, §2, is repealed and the following enacted in its place:

§13509. Payments

Payments made under this chapter shall be made as follows.

1. School year 1985-86. For the school year 1985-86, payments shall be made in accordance with sections 13503-A to 13505.

2. School year 1986-87. Each school administrative unit and qualifying private school shall receive a block grant computed pursuant to subsection 4, to be used to supplement teacher salaries in accordance with the minimum salary recommendation set forth in section 13403 and for other teacher salary related purposes as locally determined.

3. School year 1987-88. Each school administrative unit and qualifying private school shall receive a block grant, computed pursuant to subsection 4, to be used to supplement teacher salaries in accordance with the minimum salary requirement set forth in section 13404 and for other teacher salary related purposes as locally determined.

4. Computation of block grants. The commissioner shall allocate the money appropriated by the Legislature for block grants in 1986-87 and 1987-88 in accordance with the following conditions.

A. The purpose of the block grant payments is to assist school 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.

B. The amount of the grants to individual units and qualifying private schools shall generally reflect the costs that would be necessary to achieve the minimum salary objectives set forth in this section and as computed in accordance with a prototype schedule established by the commissioner.

C. For the purpose of calculating block grant amounts only, 6% per year normal teacher salary increases will be assumed to occur at the local level. This assumption will be reviewed by the commissioner prior to the computation of grant amounts for 1987-88 and may be revised if the evidence suggests the need for revision.

D. All units shall receive a minimum grant of \$400 per teacher in 1986-87 and \$800 per teacher in 1987-88. The maximum grant per teacher in 1986-87 shall be \$1,800. Any computed entitlement that was not paid in 1986-87 as a result of the \$1,800 per teacher limit shall be paid in 1987-88.

E. The number of teachers to be used in comput-

ing block grant payments in 1986-87 shall include the number of full-time equivalent teachers eligible to receive the February 1986 teacher recognition grant in each unit or qualifying private school, plus any additional certified teachers whose local employment responsibility includes an assignment to work directly with students in an instructional or counseling relationship on a regular basis, excluding teachers whose salaries are paid from federal funds. The number of teachers to be used in computing block grant payments for 1987-88 shall be based on the local staff information data supplied to the department in October 1986.

F. The department shall collect the necessary data to allow the recognition grants to be paid in February and August 1986 and for the block grants to be paid as supplemental monthly payments in 1986-87 and in 1987-88. Block grant payments will be made directly to vocational regions and qualifying private schools on or before October 15th and April 15th in 1986-87 and 1987-88, based on the submission of information to the commissioner indicating that those payments are being used to meet the purposes of this section.

G. Each school administrative unit shall be permitted to carry forward unused block grant money from one fiscal year to the next succeeding year, based on information provided to the commissioner indicating that the money to be carried forward will be used to meet the purposes of this section.

H. The amounts required to meet the employer's share of teacher retirement costs attributable to block grant payments in 1986-87 and 1987-88 shall be transferred to the Maine State Retirement System in the appropriate year.

Sec. 11. 20-A MRSA §13510, as amended by PL 1983, c. 860, §2, is repealed.

Sec. 12. 20-A MRSA §15602, sub-§1, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

1. Contributions from General Fund. It is the intent of the Legislature to provide at least 55% of the cost of the total allocation from General Fund revenue sources or a percentage no less than that

provided in the year prior to the year of allocation, whichever is greater.

The amount of the teacher recognition grants authorized in section 13503-A which are paid or deemed eligible to be paid on August 15, 1986, shall be added to the actual local operating costs expended by local units in 1986-87. The minimum amount of the cost of the total allocation from General Fund revenue sources for 1988-89 shall be increased by the total amount expended by the State in 1986-87 for teacher recognition grants in accordance with section 13503-A and block grants in accordance with section 13509. The resulting percentage shall be used to define the minimum percentage contribution from General Fund revenue sources in 1988-89 and subsequent years.

Sec. 13. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>		
<u>DEPARTMENT OF</u>		
Teacher recognition grants		
All Other	\$650,000	\$500,000

Effective September 19, 1985.

CHAPTER 506

S.P. 627 - L.D. 1646

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these un-