

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

J.S. McCarthy Company
Augusta, Maine
1993

CHAPTER 482

H.P. 680 - L.D. 922

**An Act to Clarify the Definition of
Teacher under the Laws of the Maine
State Retirement System**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 5 MRSA §17001, sub-§13, ¶F is enacted to read:

F. For a teacher who, as provided by subsection 42, serves as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit, "earnable compensation" includes compensation paid for the released time, except that the amount of that compensation included in "earnable compensation" may not be more than the compensation that the teacher would have been paid had the teacher remained that same amount of time in the teacher's teaching position.

Sec. 2. 5 MRSA §17001, sub-§42, as amended by PL 1991, c. 360, §2, is further amended by adding at the end a new paragraph to read:

"Teacher" also includes a person who, subsequent to July 1, 1981, has served as president of a recognized or certified bargaining agent representing teachers for which released time from teaching duties for performance of the functions of president has been negotiated in a collective bargaining agreement between the collective bargaining agent and the teacher's school administrative unit and for whom contributions related to the portion of the person's salary attributable to the released time have been paid as part of the regular payroll of the school administrative unit.

Sec. 3. 5 MRSA §17154, sub-§6, ¶E is enacted to read:

E. Notwithstanding this section, effective September 1, 1993, the employer retirement cost related to the retirement system, less the unfunded liability, applicable to a teacher who is permitted to continue to accrue service credit while on released time and serving as president of a recognized or certified collective bargaining agent representing teachers must be paid from funds provided by the collective bargaining agent or school administrative unit. For purposes of this paragraph, in computing the employer cost, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

See title page for effective date.

CHAPTER 483

S.P. 578 - L.D. 1622

**An Act to Enhance and Improve the
Special Education Complaint
Management Process**

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

Sec. 1. 20-A MRSA §7206, sub-§§1-A and 1-B, as enacted by PL 1989, c. 69, §2, are repealed.

Sec. 2. 20-A MRSA §7206, sub-§2, as amended by PL 1989, c. 69, §3, is further amended to read:

2. Investigation; written report. The commissioner shall initiate, and complete within 45 60 days, an investigation and a written report:

~~A. On receipt of a complaint and the determinations set out in subsection 1-A; or~~

~~B. If the commissioner has reason to believe that a unit is not in compliance with this chapter.~~

Sec. 3. 20-A MRSA §7206, sub-§3, as amended by PL 1989, c. 69, §4, is repealed.

Sec. 4. 20-A MRSA §7206, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Appeal. An interested party may appeal the commissioner's order to the ~~Superior Court under the Maine Rules of Civil Procedure, Rule 80B~~ United States Department of Education.

See title page for effective date.