

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

Initiative: Allocates funds necessary to change one previously authorized meeting of the Task Force to Study Maine's Homeland Security Needs to an off-site public hearing. The Maine Emergency Management Agency shall transfer these funds to the Legislature at the beginning of fiscal year 2006-07 to support the additional costs of the task force.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$0	\$1,000
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$1,000

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

Effective May 9, 2006.

CHAPTER 635

S.P. 480 - L.D. 1381

An Act To Update Teachers' Minimum Salaries

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

Sec. 1. 20-A MRSA §3252, sub-§4-A, as enacted by PL 2005, c. 12, Pt. QQQQ, §1, is amended to read:

4-A. Targeted funds. In addition to tuition rates calculated pursuant to chapter 219, targeted funds for each student in the unorganized territory must be paid to the school administrative unit or private school approved for tuition purposes that a student attends. For purposes of this subsection, "targeted funds" means those funds identified under essential programs and services for technology, ~~assessment~~ implementation of a standards-based system and kindergarten to grade 2 pursuant to section 15671, subsection 6 and section 15681.

Sec. 2. 20-A MRSA §3253-A, sub-§3-A, as enacted by PL 2005, c. 12, Pt. QQQQ, §2, is amended to read:

3-A. Targeted funds. In addition to tuition rates calculated pursuant to chapter 219, targeted funds for each student in the unorganized territory must be paid to the school administrative unit or private school approved for tuition purposes that a student attends. For purposes of this subsection, "targeted funds" means those funds identified under essential programs and services for technology, ~~assessment~~ implementation of a standards-based system and kindergarten to grade 2 pursuant to section 15671, subsection 6 and section 15681.

Sec. 3. 20-A MRSA §13402, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §§13403 and 13404, as enacted by PL 1985, c. 505, §3, are repealed.

Sec. 5. 20-A MRSA §13405 is enacted to read:

§13405. Minimum salaries for 2006-2007

Each school administrative unit shall establish a minimum salary of \$27,000 for certified teachers for the school year starting after June 30, 2006.

Sec. 6. 20-A MRSA §13406 is enacted to read:

§13406. Minimum salaries beginning in 2007-2008

Each school administrative unit shall establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2007 and in each subsequent school year.

Sec. 7. 20-A MRSA §15681, sub-§2-A, as enacted by PL 2005, c. 519, Pt. LL, §3, is repealed and the following enacted in its place:

2-A. Targeted funds to implement a standards-based system. For targeted funds to implement a standards-based system, the commissioner shall:

A. For fiscal year 2006-07 only, dedicate a portion of the targeted funds to implement a standards-based system to the achievement of the minimum starting salary for certified teachers established in section 13405; and

B. For fiscal year 2007-08 and every subsequent year, calculate an amount to be made available to address the components of a standards-based system.

Sec. 8. 20-A MRSA §15683, sub-§1, ¶C, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

C. If the school administrative unit is eligible for targeted ~~student assessment~~ student assessment funds for the implementation of a standards-based system pursuant to section 15681, subsection 1, the sum of:

(1) The product of the elementary school level and middle school level per-pupil amount for targeted ~~student assessment~~ student assessment funds for the implementation of a standards-based system calculated pursuant to section 15681, subsection 2 multiplied by the kindergarten to grade 8 portion of the pupil count calculated pursuant to section

15674, subsection 1, paragraph C, subparagraph (1); and

(2) The product of the high school level per-pupil amount for targeted ~~student assessment~~ funds for the implementation of a standards-based system calculated pursuant to section 15681, subsection 2 multiplied by the grade 9 to 12 portion of the pupil count calculated pursuant to section 15674, subsection 1, paragraph C, subparagraph (1);

Sec. 9. 20-A MRSA §15689, sub-§§7 and 8 are enacted to read:

7. Adjustment for minimum teacher salary.

Beginning in fiscal year 2008-09 and in each subsequent fiscal year, the commissioner shall increase the state share of the total allocation to a qualifying school administrative unit in the current year by an amount that represents the amount from the state General Fund necessary to achieve the minimum starting salary for certified teachers established in section 13406.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Qualifying school administrative unit" means a school administrative unit that the commissioner has determined has a locally established salary schedule with a minimum teacher salary of less than \$30,000 in school year 2008-2009.

B. The commissioner shall allocate the funds appropriated by the Legislature in fiscal year 2008-09 and each subsequent fiscal year in accordance with the following conditions.

(1) The amount of the minimum salary adjustments provided to qualifying school administrative units must generally reflect the costs that are necessary to achieve the minimum teacher salary requirements set forth in this section.

(2) The number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for fiscal year 2008-09 must be based on the local staff information data supplied to the department on or before October 1, 2008, and the number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for each subsequent fiscal year must be based on the local staff information data supplied to the department on or before each subsequent October 1st for the teachers who were first eligible to receive the minimum salary

adjustment in the qualifying school administrative unit for the 2008-2009 school year.

(3) The department shall collect the necessary data to allow the adjustments as supplemental monthly payments in fiscal year 2008-09 and any subsequent fiscal year for the salary adjustments to be paid on or before February 1, 2009 and any subsequent February 1st.

(4) The minimum salary adjustments made under this subsection must be issued to the qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Minimum salary adjustments for teachers must be included in the qualifying school administrative unit's monthly subsidy checks.

C. The amounts required to meet the employer's share of teacher retirement costs attributable to payments in fiscal year 2008-09 and each subsequent fiscal year must be allocated to the Maine State Retirement System in the appropriate year.

8. Payments for minimum salary adjustments. Qualifying school administrative units shall use the payments provided under this section to provide minimum salary adjustments for teachers in accordance with subsection 7 and section 13406.

Sec. 10. PL 2005, c. 519, Pt. J, §6 is amended to read:

Sec. J-6. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2006-07 is as follows:

**2006-07
TOTAL**

Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transition percentage	\$1,326,135,418
	<u>\$1,325,400,719</u>

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 90% transition percentage	\$1,193,521,876
	<u>\$1,192,860,647</u>

Transition adjustments pursuant to the Maine Revised Statutes, Title 20-A, section 15686	\$10,712,943
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Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$354,628,374
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Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 90% transition percentage plus transition adjustment pursuant to Title 20-A, section 15686 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,558,863,193
	<u>\$1,558,201,964</u>

Total Debt Service Allocation

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$86,741,023
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Total Adjustments and Miscellaneous Costs

Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$51,570,351
	<u>\$52,231,580</u>

Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year 2006-07 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,697,174,567
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Sec. 11. Employer's share of teacher retirement costs in fiscal year 2006-07 and fiscal year 2007-08. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15681, subsection 1, paragraph B, it is the intent of the Legislature that a portion of the targeted funds to implement a standards-based system be dedicated to meet the employer's share of teacher retirement costs attributable to achieving a \$27,000 minimum teacher salary in fiscal year 2006-07. It is further the intent of the Legislature that the amount required to meet the employer's share of teacher retirement costs attributable to achieving a \$30,000 minimum teacher salary in fiscal year 2007-08 be transferred by the 123rd Legislature to the Maine State Retirement System in the appropriate fiscal year.

Sec. 12. Future appropriations. It is the intent of the Legislature that at least \$2,118,308 be appropriated in fiscal year 2007-08 by the 123rd Legislature to carry out the intent of the Maine Revised Statutes, Title 20-A, section 13406 and section 15689, subsection 7, paragraph C.

See title page for effective date.

CHAPTER 636**H.P. 706 - L.D. 1021**

An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

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

PART A

Sec. A-1. 5 MRSA §285, sub-§1-B, as amended by P&SL 1993, c. 67, §1, is repealed and the following enacted in its place:

1-B. Ineligibility. Except as provided in subsection 11-A, members of the Maine Municipal Association, members of the Maine Education Association and employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations, are not eligible to participate in the group health plan under this section.

Sec. A-2. 5 MRSA §285, sub-§11-A is enacted to read:

11-A. Coverage for retired law enforcement officers and firefighters. A retired county or municipal law enforcement officer or retired municipal firefighter, as defined in section 286-M, subsection 2, who participates in an employer-sponsored retirement program and, prior to July 1, 2007, was enrolled in a self-insured health benefits plan offered by the employing county or municipality may, if the requirements of this subsection are met, enroll in a group health plan administered pursuant to this section that provides coverage for the retired county or municipal law enforcement officer or retired municipal firefighter effective no earlier than July 1, 2007.

A. A retiree who fails to enroll in a group health plan pursuant to this subsection is not otherwise eligible to enroll in such a plan and is not eligible for the premium subsidy provided pursuant to this subsection for enrollment in any other health plan. Retirees may enroll themselves, their spouses or their dependents in a group health