

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

4. Make recommendations to the University of Maine System regarding the lease or sale of excess broadband capacity in the education broadband spectrum;

5. Foster public-private cooperation and co-investment in broadband deployment;

6. Promote fair and open competition in the delivery of broadband service; and

7. Invite and consult with public and private sector stakeholders to identify needs and opportunities for expanding broadband access; and be it further

Sec. 6. Role of ConnectME Authority. Resolved: That, taking into account the advice and recommendations of the council, the ConnectME Authority shall coordinate efforts of state agencies and other instrumentalities of the State in taking advantage of broadband opportunities for public institutions under the American Recovery and Reinvestment Act of 2009 and is authorized to act on behalf of the State in any application for administrative or programmatic funds under the American Recovery and Reinvestment Act of 2009; and be it further

Sec. 7. Staff assistance. Resolved: That the ConnectME Authority shall provide necessary staffing services to the council with assistance from the Department of Administrative and Financial Services, Office of Information Technology, the Department of Economic and Community Development and the Public Utilities Commission; and be it further

Sec. 8. Compensation; meetings. Resolved: That the legislative members of the council are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the council. Meetings of the council held when the Legislature is in session may be held only on days when the Legislature is already meeting in session and not on any other day; and be it further

Sec. 9. Termination. Resolved: That the council terminates December 1, 2010; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds to be paid for the per diem and expenses of the legislative members of the Broadband Strategy Council to be paid to the Legislature by the ConnectME Authority.

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
Personal Services	\$0	\$1,925	\$825

All Other	\$210	\$2,395	\$940
OTHER SPECIAL REVENUE FUNDS TOTAL	\$210	\$4,320	\$1,765

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

Effective June 9, 2009.

CHAPTER 109

S.P. 458 - L.D. 1277

Resolve, To Encourage Alternative Compensation Models for Teachers and School Administrators

Sec. 1. Department of Education; evaluation of alternative compensation models for educators. Resolved: That the Department of Education shall review alternative compensation models established in other states and governmental or educational entities that allow for performance-based compensation, including bonuses for teachers and school administrators and the bases upon which the alternative compensation is determined; and be it further

Sec. 2. Department of Education; application for federal funds. Resolved: That the Department of Education shall review the requirements of the federal Teacher Incentive Fund program and any other federal grant program under which funds may be used for establishing alternative compensation models for educators. The department shall prepare and submit an application for federal grant funds from the federal Teacher Incentive Fund and any other applicable federal program to develop a state-based alternative compensation grant program for school administrative units; and be it further

Sec. 3. Department of Education; alternative compensation grant program. Resolved: That the Department of Education shall establish an application process whereby school administrative units may apply to participate in the alternative compensation grant program under section 2, referred to in this section as "the grant program." Interested school administrative units must agree to abide by the requirements of the federal grant programs in order to be considered for the grant program. The department shall develop requirements for use of grant program funds, including reasonable timelines for the development and implementation of alternative compensation models and for school administrative units to report

progress. To the extent that federal funding requirements allow, the grant program funds may include funding for the department to administer the grant program, to provide technical assistance to school administrative units and to pay for an independent evaluation of the alternative compensation models that are developed. School administrative units must be encouraged to experiment with any number of alternative compensation models. Any alternative compensation plans developed by a school administrative unit must be approved by the participating local bargaining units consistent with the Maine Revised Statutes, Title 26, chapter 9-A and related rules pertaining to collective bargaining for teachers employed by school administrative units; and be it further

Sec. 4. Grant program evaluation. Resolved: That the Department of Education shall submit annual reports to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2011 and January 15, 2012 describing the progress of the school administrative units participating in the alternative compensation grant program under section 2 and report the results of any independent analysis conducted on the effects of alternative compensation systems, including but not limited to student outcomes, teacher recruitment and retention. The department shall seek outside funding and technical support for use in the development, implementation and evaluation of any alternative compensation models developed through the alternative compensation grant program.

See title page for effective date.

CHAPTER 110 H.P. 989 - L.D. 1413

Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity

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

Whereas, the Joint Select Committee on Future Maine Prosperity issued its final report in January 2008; and

Whereas, the committee's report recommended a wide variety of strategies and actions designed to improve the State's economy and support greater prosperity for all citizens of the State; and

Whereas, the committee's report specifically called for an improved business climate in the State; and

Whereas, the committee's report acknowledged that it was critical that state agencies work to improve relationships with the business community and eliminate adversarial relationships; and

Whereas, the committee's report specifically recommended that the Governor direct all state agencies to reinvent themselves and how they interact with businesses in the State in order to provide a consistent, efficient and effective regulatory environment; and

Whereas, the committee's report called for regulatory reform that achieves goals in a manner that minimizes unnecessary and unproductive conflicts and redundancies for the regulated community; and

Whereas, this resolve needs to take effect before the expiration of the 90-day period in order for the report required in this legislation to be completed in a timely fashion; 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

Sec. 1. Maine Regulatory Fairness Board to identify regulatory burdens and find efficiencies. Resolved: That the Maine Regulatory Fairness Board, established in the Maine Revised Statutes, Title 5, section 57, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, shall review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. The Maine Regulatory Fairness Board shall use the process for accepting public input through public meetings across the State currently required pursuant to Title 5, section 57 to assist in the identification of regulatory burdens; and be it further

Sec. 2. Report. Resolved: That, no later than February 15, 2010, the Maine Regulatory Fairness Board shall provide a briefing regarding the work performed to date pursuant to section 1 to the Joint Standing Committee on Business, Research and Economic Development and that same committee is authorized to introduce a bill related to the subject matter of section