

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

the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than July 1, 2009; and be it further

Sec. 5. Duties. Resolved: That the commission shall study all issues surrounding teachers' compensation, including salaries and benefits. In conducting its review, the commission shall undertake to examine:

1. The effects on teachers' salaries and benefits of the essential programs and services funding system for public education, including the elements of labor market adjustments, student-teacher ratios and a teachers' salary matrix, and alternatives thereto, including the feasibility of salary differentiations based upon differences in cost of living by region;

2. The effects on teachers' salaries of the minimum teachers' salary law and the existing system of state subsidies for substandard salaries;

3. The relationship between and among teachers' salaries and benefits in school administrative units, the amount and distribution of general purpose aid for local schools and amounts raised locally for the support of public schools;

4. The relationship between teachers' salaries and benefits in this State and in other states;

5. The relationship between teachers' salaries and benefits and salaries and benefits paid to practitioners in other comparable professions;

6. The effects of inflation on the real value of teachers' salaries and the minimum salary amount required by law;

7. Practices in other states that mandate payment of minimum salaries based on experience and education to all teachers and the costs and consequences;

8. Factors relating to the age, experience, recruitment, retention and mobility of the State's corps of professional teachers;

9. Alternatives to salary systems based on college credits or degrees earned and experience, including salary systems based on professional learning, teachers' performance or other factors;

10. Collective bargaining alternatives in determination of salaries and benefits at the local school administrative unit level; and

11. Any other factors that the commission considers relevant to teachers' compensation; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Information. Resolved: That in the performance of its duties, the commission:

1. May request statistical data and other information from the Department of Education, the Department of Labor, the State Planning Office or other state agencies, which must provide such information in their possession; and

2. Must provide an opportunity for interested persons, organizations and members of the public to address and submit information to the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 1, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

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

Effective June 18, 2009.

CHAPTER 139

S.P. 283 - L.D. 736

Resolve, Directing the Department of Transportation To Secure Funding To Complete the Aroostook North-South Highway Project

Preamble. Whereas, the Caribou and Presque Isle segments of the Aroostook North-South Highway have available and ready for use in construction over \$40,000,000 in federal funding through the provision of high priority project funding by the United States Congress since 2001; and

Whereas, the Governor executed an order in March 2009 directing the Department of Transportation to make the completion of these segments a priority, with construction of the Caribou segment to begin in 2010 and the Presque Isle segment to begin as soon as the approval of the Army Corps of Engineers is given; and

Whereas, the cities of Caribou and Presque Isle have unanimously resolved through their respective city councils to proceed with the construction of these segments; and

Whereas, through An Act To Secure Maine's Transportation Future, Public Law 2007, chapter 470,

which took effect June 30, 2008, the Legislature listed the Aroostook North-South Highway as an extraordinary corridor, which now has a scope, priority and schedule for community consensus within the meaning of that Act; and

Whereas, the current available funding to complete the construction of both of these segments is insufficient; now, therefore, be it

Sec. 1. Full project funding request. Resolved: That the Department of Transportation shall secure funding to complete the Aroostook North-South Highway project beginning with segments in Caribou and Presque Isle through available funding options, including federal funding through the American Recovery and Reinvestment Act of 2009 or any other similar legislation, the reauthorization of federal surface transportation legislation, bonds, Highway Fund allocations and public-private partnerships; and be it further

Sec. 2. Department to secure funding for listed projects. The Department of Transportation shall secure funding for all projects listed in Public Law 2007, chapter 470, Part B, section 2 as significant new capacity projects of all modes and extraordinary bridge replacement, removal or rehabilitation projects.

See title page for effective date.

CHAPTER 140

H.P. 900 - L.D. 1297

Resolve, To Review Changing the Duties of the State Board of Education

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 State Board of Education was established in 1949 as an advisory board to the Commissioner of Education; and

Whereas, the roles and responsibilities of the State Board of Education have since been expanded in numerous ways that have expanded its mission beyond its original advisory role to the point where the mission of the current State Board of Education includes developing education policy and advocating for education policies; and

Whereas, it is essential to review the operations of the State Board of Education in order to ensure that the policymaking roles and responsibilities of the executive and legislative branches of State Government are properly aligned and balanced; 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. Review of duties of State Board of Education. Resolved: That the Commissioner of Education shall convene a stakeholder group to review the duties currently assigned to the State Board of Education, referred to as "the state board" in this resolve, and develop recommendations to change, as necessary, the role of the state board in order to align its responsibilities as an advisory board with current statutes and rules. The stakeholder group review must consider provisions in the Maine Revised Statutes, Title 20-A, chapter 5 and any other provisions in Title 20-A and other statutes and rules where the state board is referenced; and be it further

Sec. 2. Stakeholder group. Resolved: That the members of the stakeholder group are appointed as follows:

1. Appointments by the Speaker of the House. The Speaker of the House of Representatives shall appoint the following 6 members:

A. Two members of the House of Representatives serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest numbers of members in the House;

B. One person representing the Maine School Superintendents Association or its successor organization;

C. One person representing the Maine School Boards Association or its successor organization;

D. One person representing the Maine Education Association, or its successor organization; and

E. One person representing the Maine Principals' Association or its successor organization; and

2. Appointments by the President of the Senate. The President of the Senate shall appoint the following 5 members:

A. Two members of the Senate serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest number of members in the Senate;

B. One person representing the Maine Administrators of Services for Children with Disabilities or its successor organization;

C. The Commissioner of Education or the commissioner's designee; and