

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 701**

**S.P. 661 - L.D. 1884**

**An Act To Revise the Laws  
Regarding the Fund for a  
Healthy Maine**

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

**Sec. 1. 22 MRSA §1511, sub-§1**, as enacted by PL 1999, c. 401, Pt. V, §1, is amended to read:

**1. Fund established.** The Fund for a Healthy Maine, referred to in this chapter as the "fund," is established ~~as an Other Special Revenue fund~~ for the purposes specified in this chapter ~~as a separate and distinct fund for accounting and budgetary reporting purposes.~~

**Sec. 2. 22 MRSA §1511, sub-§§13 and 14** are enacted to read:

**13. Separate accounts; annual reporting.** A state agency that receives allocations from the fund and a contractor or vendor that receives funding allocated from the fund shall maintain that money in a separate account and shall report by September 1st of each year to the Commissioner of Administrative and Financial Services providing a description of how those funds for the prior state fiscal year were targeted to the prevention and health-related purposes listed in subsection 6. The Commissioner of Administrative and Financial Services shall by October 1st of each year compile the reports provided under this subsection and forward the information in a report to the Legislature.

**14. Legislative committee review of legislation.** Whenever a proposal in a resolve or bill before the Legislature, including but not limited to a budget bill, affects the fund, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over health and human services matters to review and evaluate the proposal as it pertains to the fund. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall conduct the review and report to the committee of jurisdiction and to the joint

standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

**Sec. 3. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Information Services 0155**

Initiative: Provides one-time funds for the computer programming costs associated with establishing the Fund for a Healthy Maine as a separate fund.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$131,028
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$131,028</b>

See title page for effective date.

**CHAPTER 702**

**S.P. 618 - L.D. 1781**

**An Act To Restructure the  
National Board Certification  
Program for Teachers**

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

**Sec. 1. 20-A MRSA §13007, sub-§2**, as enacted by PL 1991, c. 528, Pt. I, §5 and affected by Pt. RRR and enacted by c. 591, Pt. I, §5, is amended to read:

**2. Accounting.** The commissioner shall:

A. Collect and account for all certificate fees; ~~and~~

B. Report and pay ~~these~~ fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund;

C. Report and pay \$50,000 in fiscal year 2012-13 and \$75,000 in fiscal year 2013-14 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 from fees collected pursuant to sub-

section 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund. Other Special Revenue Funds account within the Department of Education.

**Sec. 2. 20-A MRSA §13013-A**, as amended by PL 2007, c. 58, §3 and c. 240, Pt. D, §§1 and 2, is further amended to read:

**§13013-A. Salary supplements for national board-certified teachers**

**1. Department of Education salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, as of July 1, 2006 or thereafter with an annual national board certification salary supplement of \$3,000 for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher becomes is no longer employed as a classroom teacher in the field of that teacher's national certification, the supplement ceases. The amount of the salary supplement is:

- A. For fiscal year 2012-13, \$2,500;
- B. For fiscal year 2013-14, \$2,750; and
- C. For fiscal year 2014-15 and succeeding years, \$3,000.

**1-A. Funding revenue.** The National Board Certification Salary Supplement Fund is established as a nonlapsing dedicated fund within the Department of Education beginning in fiscal year 2012-13. The salary supplement under subsection 1 must be funded from fees collected by the department pursuant to section 13007, subsection 1.

**2. Local filing; certification.** On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a publicly supported secondary school or a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.

**3. Payment.** The department shall provide the salary supplement to school administrative units and publicly supported secondary schools for eligible teachers no later than February 15th of each year.

**4. Expend funds.** A school administrative unit or a publicly supported secondary school may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.

**5. Scholarship fund.** The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization, referred to in this subsection and subsection 6 as "the certification program." A school administrative unit or a publicly supported secondary school may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.

A. In fiscal year 2012-13, the department shall allocate \$50,000 from fees collected by the department pursuant to section 13007, subsection 1 to the scholarship fund. The department shall award an amount equal to the cost of the certification program less any other funds received by the applicant on a first-come first-served basis for the first 20 teachers accepted into the certification program annually.

B. Beginning in fiscal year 2013-14, the department shall allocate \$75,000 from fees collected by the department pursuant to section 13007, subsection 1 each fiscal year to the scholarship fund. The department shall award an amount equal to the cost of enrollment in the certification program less any other funds received by the applicant to not more than 30 teachers accepted into the program annually.

**6. Eligibility requirements.** In order to receive scholarship funds according to subsection 5 on behalf of a teacher, the school administrative unit or a publicly supported secondary school must certify to the department that the teacher:

- A. Is currently employed by a school administrative unit or a publicly supported secondary school;
- B. Has completed at least 3 years of teaching in the State;
- C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program;
- D. Has provided documentation of acceptance into the certification program; and
- E. Has disclosed any other funds received to cover the cost of the certification program.

**7. Nonlapsing funds.** Any unencumbered balance of the National Board Certification Scholarship Fund under subsection 5 remaining at the end of a fiscal year may not lapse but must be carried forward to be used for the same purpose.

**Sec. 3. 20-A MRSA §15689-A, sub-§12**, as enacted by PL 2005, c. 519, Pt. AAAA, §16, is amended to read:

**12. National board certification salary supplement.** The commissioner may pay annual salary supplement payments to public school administrative units or a publicly supported secondary school for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13013-A.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
National Board Certification Salary Supplement  
Fund N134**

Initiative: Allocates funds for salary supplements for those teachers who have attained certification from the National Board for Professional Teaching Standards.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$150,000
	\$0	\$150,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

**National Board Certification Scholarship Fund  
N133**

Initiative: Allocates funds to encourage certain teachers to apply to and enroll in the certificate program offered by the National Board for Professional Teaching Standards.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$50,000
	\$0	\$50,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$200,000
	\$0	\$200,000
DEPARTMENT TOTAL - ALL FUNDS		

See title page for effective date.