

122nd Legislature LD 1381 SP0480

An Act To Update Teachers' Minimum Salaries.

Presented by Senator MITCHELL of Kennebec; Cosponsored by Representative DAVIS of Falmouth and Senators: MILLS of Somerset, NUTTING of Androscoggin, SCHNEIDER of Penobscot, Representatives: BABBIDGE of Kennebunk, CAIN of Orono, FISCHER of Presque Isle, MAKAS of Lewiston, NORTON of Bangor. **Public Hearing** 04/13/05. (OTP-AM) Accepted 04/28/06. **Amended by:** CA S-577, SA/CA S-620.

Final Disposition: Enacted, Signed 05/09/06, PUBLIC LAWS, Chapter 635.

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
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~~ 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~~ 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

Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A \$354,628,374

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
\$1,558,201,964

Total Debt Service Allocation

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

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
\$52,231,580

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

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

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1381

S.P. 480

In Senate, March 22, 2005

An Act To Update Teachers' Minimum Salaries

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.
Cosponsored by Representative DAVIS of Falmouth and
Senators: MILLS of Somerset, NUTTING of Androscoggin, SCHNEIDER of Penobscot,
Representatives: BABBIDGE of Kennebunk, CAIN of Orono, FISCHER of Presque Isle,
MAKAS of Lewiston, NORTON of Bangor.

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

2 **Sec. 1. 20-A MRSA §13402, sub-§2,** as enacted by PL 1981, c.
4 693, §§5 and 8, is repealed.

6 **Sec. 2. 20-A MRSA §13402, sub-§3,** as amended by PL 1995, c.
8 676, §7 and affected by §13, is repealed.

10 **Sec. 3. 20-A MRSA §13402, sub-§4,** as enacted by PL 1981, c.
12 693, §§5 and 8, is repealed.

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16 c. 505, §3, are repealed.

18 **Sec. 5. 20-A MRSA §§13405 and 13406** are enacted to read:

20 **§13405. Minimum salaries for 2005-2006**

22 Each school administrative unit and state-operated school
24 shall establish a minimum starting salary of \$30,000 for
26 certified teachers for the school year starting after June 30,
28 2005.

30 **§13406. Updated minimum salaries after 2005-2006**

32 Each school administrative unit and state-operated school
34 shall annually update and maintain a minimum starting salary for
36 certified teachers in accordance with this section commencing in
38 the school year starting after June 30, 2006.

40 **1. Annual adjustment.** The minimum starting salary required
42 for school year 2005-2006 under section 13405 must be indexed to
44 and increased annually thereafter by an amount equal to the
46 increase in the Consumer Price Index determined by the federal
48 Bureau of Labor Statistics.

50 **2. Increase calculation.** The increase in the Consumer
52 Price Index must be calculated using the Consumer Price Index for
54 All Urban Consumers, CPI-U, all items index for the northeast
56 region for the period from January 1st to December 31st that
58 immediately precedes each subsequent school year.

60 **Sec. 6. 20-A MRSA §13507-A, sub-§2,** as amended by PL 1987, c.
62 524, is further amended to read:

64 **2. Minimums.** Notwithstanding any other provision of law,
66 the State and the bargaining agent for state teachers in
68 state-operated schools and related classifications shall at a
70 minimum, in accordance with bargaining procedures set forth in
Title 26, chapter 9-B, negotiate as to the impact of

2 implementation of sections 13403 13405 and 13404 13406. The
negotiations shall must be limited to salaries. Minimum salaries
4 established by those negotiations shall must be based upon a
180-day school year and shall must be proportionately higher for
6 positions whose incumbents work for longer terms. Negotiations
shall must establish pay schedules which that enable the State to
8 be competitive with local school administrative units in
recruitment and retention with regard to teachers and related
10 classifications. The term "teachers and related classifications"
includes any classification in State Government which that is a
12 teaching classification, requires professional work in or around
the classroom setting or is within the career ladder of the
14 classifications by virtue of its relationship to educational
supervision or programming.

16 **Sec. 7. 20-A MRS §15677, sub-§2**, as enacted by PL 2003, c.
504, Pt. A, §6, is amended to read:

18 **2. Determination of matrix.** The salary matrix must be
20 determined in accordance with the following.

22 A. For fiscal year 2005-06, the commissioner, using
information provided by a statewide education policy
24 research institute, shall establish the salary matrix based
on the most recently available relevant data and appropriate
26 trends in the Consumer Price Index or other comparable
index. Once the salary matrix relationships for years of
28 staff experience and levels of staff education have been
determined, the salary matrix amounts for 2005-2006 must be
30 calculated from a base salary amount of not less than
\$30,000.

32 B. For fiscal year 2006-07 and each subsequent year, the
34 commissioner shall update the previous year's salary matrix
to reflect appropriate trends in the Consumer Price Index or
36 other comparable index. The salary matrix amounts for each
year must be calculated from a base salary amount that is
38 not less than the minimum teachers' salary for the year that
is prescribed by section 13406.

40 **Sec. 8. 20-A MRS §15678, sub-§6** is enacted to read:

42 **6. Determination of salaries and benefits for school level**
44 **teaching staff.** When a teacher bargaining agent exists, the
teacher bargaining agent and school administrative unit shall, in
46 accordance with the collective bargaining procedures set forth in
Title 26, chapter 9-A, negotiate to determine by mutual agreement
48 the salaries and benefits to be provided to teachers in the
school administrative unit. The amount expended for salaries and
50 benefits for school level teaching staff in a school

2 administrative unit is not limited to, but may not be less than,
3 the total salary and benefit costs for school level teaching
4 staff calculated pursuant to this section.

6 **SUMMARY**

8 This bill updates the law that established a minimum
9 teachers' salary, starting in 1987, of \$15,500, an amount that is
10 now outdated and increases the amount to \$30,000. The bill also
11 establishes a method for future periodic updating of the minimum
12 salary amount and outlines procedures for the distribution of
funds for teachers' salaries.

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L.D. 1381

DATE: 4-10-06

(Filing No. S-577)

EDUCATION AND CULTURAL AFFAIRS

Reported by: Report "A"

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1381, Bill, "An Act To Update Teachers' Minimum Salaries"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

COMMITTEE AMENDMENT

2 purposes that a student attends. For purposes of this
3 subsection, "targeted funds" means those funds identified under
4 essential programs and services for technology, assessment
5 implementation of a standards-based system and kindergarten to
6 grade 2 pursuant to section 15671, subsection 6 and section 15681.

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

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

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

12 **§13405. Minimum salaries for 2006-2007**

13 Each school administrative unit and state-operated school
14 shall establish a minimum salary of \$30,000 for certified
15 teachers for the school year starting after June 30, 2006.

16 **Sec. 6. 20-A MRSA §15671, sub-§6**, as amended by PL 2005, c.
17 12, Pt. UU, §1 and affected by §§12 and 13 and Pt. WW, §18, is
18 further amended to read:

19 **6. Targeted funds.** Funds for technology, assessment
20 implementation of a standards-based system and the costs of
21 additional investments in educating children in kindergarten to
22 grade 2 as described in section 15681 must be provided as
23 targeted allocations. School administrative units shall submit a
24 plan for the use of these funds and shall receive funding based
25 on approval of the plan by the commissioner.

26 **Sec. 7. 20-A MRSA §15681, sub-§1, ¶A**, as enacted by PL 2003,
27 c. 504, Pt. A, §6, is amended to read:

28 A. To receive targeted student--assessment funds for the
29 implementation of a standards-based system calculated
30 pursuant to subsection 2, a school administrative unit must
31 be in compliance with applicable state statutes and
32 department rules regarding local assessment systems for the
33 system of learning results established in section 6209 and
34 be in compliance with applicable federal statutes and
35 regulations pertaining to student assessment as required by
36 the federal No Child Left Behind Act of 2001, 20 United
37 States Code, Chapter 70.

38 **Sec. 8. 20-A MRSA §15681, sub-§2**, as enacted by PL 2003, c.
39 504, Pt. A, §6, is amended to read:

2 **2. Targeted funds for the implementation of a**
3 **standards-based system.** For targeted student--assessment funds
4 for the implementation of a standards-based system, the
5 commissioner shall calculate one amount that may be made
6 available to the elementary school level and middle school level
7 and another amount that may be made available to the high school
8 level in accordance with the following.

9
10 A. For fiscal year 2005-06, the commissioner shall establish
11 a per-pupil amount for targeted student--assessment funds for
12 the implementation of a standards-based system.

13
14 B. For fiscal year 2006-07 and each subsequent year, the
15 commissioner shall recalculate the per-pupil amount by using
16 the amount calculated under paragraph A as a base and
17 appropriate trends in the Consumer Price Index or other
18 comparable index.

19
20 C. Notwithstanding paragraph B, for fiscal year 2006-07
21 only, a portion of the targeted funds to implement a
22 standards-based system must be dedicated to the achievement
23 of the minimum starting salary for certified teachers
24 established in section 13405. This paragraph is repealed
25 June 30, 2007.

26 **Sec. 9. 20-A MRSA §15683, sub-§1, ¶C,** as enacted by PL 2003,
27 c. 504, Pt. A, §6, is amended to read:

28
29 C. If the school administrative unit is eligible for
30 targeted student--assessment funds for the implementation of
31 a standards-based system pursuant to section 15681,
32 subsection 1, the sum of:

33 (1) The product of the elementary school level and
34 middle school level per-pupil amount for targeted
35 student--assessment funds for the implementation of a
36 standards-based system calculated pursuant to section
37 15681, subsection 2 multiplied by the kindergarten to
38 grade 8 portion of the pupil count calculated pursuant
39 to section 15674, subsection 1, paragraph C,
40 subparagraph (1); and

41
42 (2) The product of the high school level per-pupil
43 amount for targeted student--assessment funds for the
44 implementation of a standards-based system calculated
45 pursuant to section 15681, subsection 2 multiplied by
46 the grade 9 to 12 portion of the pupil count calculated
47 pursuant to section 15674, subsection 1, paragraph C,
48 subparagraph (1);

R. & E.

COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1381

Sec. 10. PL 2005, c. 519, Pt. J, §§6 and 7 are 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:

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	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>\$1,325,380,974</u>
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 90% transition percentage	\$1,193,521,876 <u>\$1,192,842,877</u>
Transition adjustments pursuant to the Maine Revised Statutes, Title 20-A, section 15686	\$10,712,943
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$354,628,374
Total Operating Allocation	<hr/> <u>\$1,558,863,193</u> <u>\$1,558,184,194</u>
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$86,741,023
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

\$55,144,293

2

4

Total Cost of Funding Public Education from Kindergarten to Grade 12

6

8

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

10

\$1,697,174,567

12

\$1,700,069,510

14

Sec. J-7. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 2006 and ending June 30, 2007 is calculated as follows:

16

18

20

**2006-07
LOCAL**

**2006-07
STATE**

22

Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12

24

26

Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683

28

30

\$783,076,345

\$914,098,222

32

\$916,993,165

34

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

36

EDUCATION, DEPARTMENT OF

38

Teacher Retirement

40

42

Initiative: Provides funds for the increase in the employer contributions related to the normal cost component of the Maine State Retirement System associated with increasing the minimum teachers' salary to \$30,000 per year in fiscal year 2006-07.

44

46

GENERAL FUND

2005-06

2006-07

All Other

\$0

\$215,866

48

GENERAL FUND TOTAL

\$0

\$215,866

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1381

2 **General Purpose Aid for Local Schools 0308**

4 Initiative: Provides additional funds in fiscal year 2006-07 to
6 increase the minimum salary for certified teachers to \$30,000 per
year.

8	GENERAL FUND	2005-06	2006-07
	All Other	\$0	\$2,894,943
10		<hr/>	<hr/>
	GENERAL FUND TOTAL	\$0	\$2,894,943

12	EDUCATION, DEPARTMENT OF		
14	DEPARTMENT TOTALS	2005-06	2006-07
16	GENERAL FUND	\$0	\$3,110,809
18	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$3,110,809'

20 **SUMMARY**

22 This amendment is the majority report of the Joint Standing
24 Committee on Education and Cultural Affairs. The amendment
strikes and replaces the bill to accomplish the following.

26 1. It establishes a minimum salary for certified teachers
28 at \$30,000 for the school year starting June 30, 2006.

30 2. As does the bill, it repeals statutory language that
32 limits the amount a school administrative unit may be required to
increase the salary of any teacher to no more than \$500 in one
34 school year.

36 3. It revises the statutes that define the categories of
targeted funds within the Essential Programs and Services Funding
38 Act by striking the term "assessment" and replacing it with the
term "implementation of a standards-based system" to broaden this
40 targeted fund definition to reflect the work that has been done
to implement a standards-based system of educating children in
42 kindergarten through grade 12.

44 4. It provides that, for fiscal year 2006-07 only, a
portion of targeted funds to implement a standards-based system
46 must be dedicated to the achievement of a minimum teacher salary
of \$30,000 per year beginning in the school year starting after
48 June 30, 2006.

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1381

2 5. It adds an appropriations and allocations section that
covers the cost of the increase in teachers' salaries.

4 6. It amends Public Law 2005, chapter 519, Part J to adjust
6 the total allocation of funds to include the minimum teacher
salary.

8

FISCAL NOTE REQUIRED
(See attached)

10

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1381

LR 1263(02)

An Act To Update Teachers' Minimum Salaries

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Current Cost - State Mandate

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$3,110,809	\$2,161,520	\$2,181,534
Appropriations/Allocations				
General Fund	\$0	\$3,110,809	\$2,161,520	\$2,181,534

State Mandate

New or Expanded Activity

Requiring school administrative units and state-operated schools to establish a starting salary of \$30,000 for certified teachers beginning in fiscal year 2006-07 is a mandate. The Department of Education has estimated the cost of the mandate to be approximately \$3,573,942 in fiscal year 2006-07. Although this legislation proposes to fund 100% of the cost of this provision in fiscal year 2006-07, local school administrative units will be required to share in the cost beginning in fiscal year 2007-08.

Unit Affected

School

Costs

Significant

Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$3,110,809 in fiscal year 2006-07 to the Department of Education for the costs associated with increasing the minimum teachers' salary to \$30,000 per year. Of that amount, \$2,894,943 is provided to the General Purpose Aid for Local Schools program (GPA) and \$215,866 is provided to the Teacher Retirement program to increase the employer contributions of the normal cost component of the Maine State Retirement System associated with the salary increase.

LD 1968, the 2006-2007 Supplemental Budget, eliminated the proposal to establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2006. Of the \$3.6 million that had been available within

the fiscal year 2006-07 GPA program to support the increase in teacher salaries, LD 1968 used \$2.9 million to fund transition adjustments for certain eligible school administrative units, leaving approximately \$0.7 million remaining to fund the salary increase. With only \$0.7 million available within the GPA funding, an additional General Fund appropriation is required for the balance.

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L.D. 1381

DATE: 4-10-06

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381, Bill, "An Act To Update Teachers' Minimum Salaries"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

COMMITTEE AMENDMENT

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2 purposes that a student attends. For purposes of this
3 subsection, "targeted funds" means those funds identified under
4 essential programs and services for technology, assessment
5 implementation of a standards-based system and kindergarten to
6 grade 2 pursuant to section 15671, subsection 6 and section 15681.

8 **Sec. 3. 20-A MRSA §13402, sub-§2,** as enacted by PL 1981, c.
9 693, §§5 and 8, is repealed.

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

12 **Sec. 5. 20-A MRSA c. 506-A** is enacted to read:

14 **CHAPTER 506-A**

16 **TEACHER SALARY ADJUSTMENT**

18 **§13521. Teacher salary adjustment; program established**

20 This chapter establishes a teacher salary adjustment
21 program, referred to in this chapter as "the program," to
22 recognize the importance of teachers that serve in school
23 administrative units that enroll a disproportionate percentage of
24 economically disadvantaged students. The teacher salary
25 adjustment program is established in order to retain and attract
26 teachers in school administrative units that enroll a
27 disproportionate percentage of economically disadvantaged
28 students by providing state-funded salary adjustments in addition
29 to, and not in lieu of, locally established salary schedules.
30 The program is administered by the commissioner.

32 **§13522. Definitions**

34 As used in this chapter, unless the context otherwise
35 indicates, the following terms have the following meanings.

38 **1. Qualifying school administrative unit.** "Qualifying
39 school administrative unit" means a school administrative unit as
40 defined in section 1, subsection 26, except that a qualifying
41 school administrative unit also includes a career and technical
42 education region as defined in section 1, subsection 44 that the
43 commissioner has determined has 36.52% or more of its resident
44 pupils designated as economically disadvantaged students as
45 defined in section 15672, subsection 3 and in accordance with
46 section 15672, subsection 5.

48 **2. Teacher.** "Teacher" means a person certified by the
49 department who is an employee of a school administrative unit,
50 including an elementary or a secondary teacher, a specialized

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2 subject teacher and a career and technical education teacher as
4 defined in the certification rules of the state board. "Teacher"
6 includes, by position title, only the following:

- 8 A. A classroom teacher;
- 10 B. An itinerant teacher;
- 12 C. A special education teacher; and
- 14 D. A literacy specialist.

16 **§13523. Teacher salary adjustment for fiscal year 2006-07**

18 **1. Eligibility requirements.** A teacher salary adjustment
20 for fiscal year 2006-07 must be awarded to teachers who are or
22 have been employed in qualifying school administrative units
24 during the 2006-2007 school year. The adjustment must be
26 provided as follows.

28 A. The adjustment must be prorated to part-time teachers,
30 who are teachers whose assignments are less than full-time
32 or who job share a single position.

34 B. All teachers on approved sabbatical leave who are
36 expected to resume their positions in a school
38 administrative unit must be included as recipients of these
40 adjustments.

42 C. Persons providing contract services to a school
44 administrative unit and substitute teachers are not eligible
46 for the teacher salary adjustment provided in this section.

48 **2. Schedule of payment.** State funds appropriated by the
50 Legislature for the teacher salary adjustment for fiscal year
2006-07 must be allocated to qualifying school administrative
units as an adjustment to state school subsidy for distribution
to the eligible teachers. Teacher salary adjustments for fiscal
year 2006-07 must be included in the school administrative unit's
monthly subsidy checks.

3. Local filing; certification. The superintendent of a
qualifying school administrative unit shall file with the
commissioner a certified list of teachers eligible to receive
salary adjustments for fiscal year 2006-07 under this section,
including their names and current salaries. Filing information
must be submitted on or before October 1, 2006.

4. Responsibility of the commissioner. The responsibilities
of the commissioner to implement this program are as follows.

RMS

2 A. The commissioner shall notify all qualifying school
3 administrative units at least 45 days in advance of the
4 filing deadline under subsection 3.

6 B. The commissioner shall allocate the funds appropriated
7 by the Legislature in fiscal year 2006-07 as block grants to
8 qualifying school administrative units that the commissioner
9 has determined employ eligible teachers under subsection 1.

10 5. Computation of block grants; payments. The commissioner
11 shall allocate the state funds appropriated by the Legislature
12 for block grants under subsection 4, paragraph B in fiscal year
13 2006-07 in accordance with the following conditions.

16 A. For the purposes of determining the amount of the block
17 grant payments to be provided to qualifying school
18 administrative units, the commissioner shall calculate a
19 per-teacher rate. The per-teacher rate is the amount of
20 state funds appropriated to the program in fiscal year
21 2006-07 divided by the number of full-time equivalent
22 teachers eligible statewide to receive the teacher salary
23 adjustment during the 2006-2007 school year.

24 B. The number of teachers to be used in computing block
25 grant payments in fiscal year 2006-07 must include the
26 number of full-time equivalent teachers eligible to receive
27 the teacher salary adjustment in each school administrative
28 unit, plus any additional certified teachers whose local
29 employment responsibility includes an assignment to work
30 directly with students in an instructional relationship on a
31 regular basis, excluding teachers whose salaries are paid
32 from federal funds. The number of teachers to be used in
33 computing block grant payments for fiscal year 2006-07 must
34 be based on the local staff information data supplied to the
35 department in October 2006.

38 C. The amount of the block grant payment provided to each
39 qualifying school administrative unit is the product of the
40 per-teacher rate calculated under paragraph A multiplied by
41 the number of teachers calculated under paragraph B.
42 Qualifying school administrative units shall use the block
43 grant payments provided under this section to provide
44 teacher salary adjustments as locally determined in
45 accordance with subsection 6.

46 D. The department shall collect the necessary data to allow
47 the block grants to be paid as supplemental monthly payments
48 in fiscal year 2006-07 and for the salary adjustments to be
49 paid on or before February 2007. Block grant payments must
50 be paid on or before February 2007. Block grant payments must

RMS

2 be made directly to career and technical education regions
3 on or before April 15, 2007, based on the submission of
4 information to the commissioner indicating that those
5 payments are being used to meet the purposes of this section.

6 E. The amounts required to meet the employer's share of
7 teacher retirement costs attributable to block grant
8 payments in fiscal year 2006-07 must be transferred to the
9 Maine State Retirement System in the appropriate year.

10 6. Local collective bargaining. Where a teacher bargaining
11 agent exists, the teacher bargaining agent and school
12 administrative unit shall, at a minimum, in accordance with the
13 collective bargaining procedures set forth in Title 26, chapter
14 9-A, negotiate or, where a contract is in effect, reopen
15 negotiations as to the use of the block grant funds provided in
16 this section as a recruitment or retention adjustment to the
17 salaries of eligible teachers. The negotiations must be limited
18 to the use of the block grant funds provided in this section.

19 **§13524. Repeal**

20 This chapter is repealed June 30, 2007.

21 **Sec. 6. 20-A MRSA §15671, sub-§6,** as amended by PL 2005, c.
22 12, Pt. UU, §1 and affected by §§12 and 13 and Pt. WW, §18, is
23 further amended to read:

24 **6. Targeted funds.** Funds for technology, assessment
25 implementation of a standards-based system and the costs of
26 additional investments in educating children in kindergarten to
27 grade 2 as described in section 15681 must be provided as
28 targeted allocations. School administrative units shall submit a
29 plan for the use of these funds and shall receive funding based
30 on approval of the plan by the commissioner.

31 **Sec. 7. 20-A MRSA §15681, sub-§1, ¶A,** as enacted by PL 2003,
32 c. 504, Pt. A, §6, is amended to read:

33 **A.** To receive targeted student--assessment funds for the
34 implementation of a standards-based system calculated
35 pursuant to subsection 2, a school administrative unit must
36 be in compliance with applicable state statutes and
37 department rules regarding local assessment systems for the
38 system of learning results established in section 6209 and
39 be in compliance with applicable federal statutes and
40 regulations pertaining to student assessment as required by
41 the federal No Child Left Behind Act of 2001, 20 United
42 States Code, Chapter 70.

Refs.

2 **Sec. 8. 20-A MRSA §15681, sub-§2**, as enacted by PL 2003, c.
504, Pt. A, §6, is amended to read:

4 **2. Targeted funds for the implementation of a**
6 **standards-based system.** For targeted ~~student-assessment~~ funds
8 **for the implementation of a standards-based system,** the
10 commissioner shall calculate one amount that may be made
available to the elementary school level and middle school level
and another amount that may be made available to the high school
level in accordance with the following.

12 A. For fiscal year 2005-06, the commissioner shall establish
14 a per-pupil amount for targeted ~~student-assessment~~ funds for
the implementation of a standards-based system.

16 B. For fiscal year 2006-07 and each subsequent year, the
18 commissioner shall recalculate the per-pupil amount by using
20 the amount calculated under paragraph A as a base and
appropriate trends in the Consumer Price Index or other
comparable index.

22 C. Notwithstanding paragraph B, for fiscal year 2006-07
24 only, a portion of the targeted funds to implement a
26 standards-based system must be dedicated to the achievement
of the teacher salary adjustment for certified teachers
established in section 13523. This paragraph is repealed
June 30, 2007.

28 **Sec. 9. 20-A MRSA §15683, sub-§1, ¶C**, as enacted by PL 2003,
30 c. 504, Pt. A, §6, is amended to read:

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

38 (1) The product of the elementary school level and
40 middle school level per-pupil amount for targeted
42 ~~student-assessment~~ funds for the implementation of a
standards-based system calculated pursuant to section
44 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

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

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COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381

2 pursuant to section 15674, subsection 1, paragraph C,
subparagraph (1);

4 Sec. 10. PL 2005, c. 519, Pt. J, §§6 and 7 are amended to read:

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

	2006-07 TOTAL
12 Total Operating Allocation	
14 Total operating allocation pursuant to the	
15 Maine Revised Statutes, Title 20-A, section	
16 15683 without transition percentage	\$1,326,135,418
	<u>\$1,325,380,974</u>
18 Total operating allocation pursuant to the	
20 Maine Revised Statutes, Title 20-A, section	
21 15683 with 90% transition percentage	\$1,193,521,876
22	<u>\$1,192,842,877</u>
24 Transition adjustments pursuant to the Maine	
25 Revised Statutes, Title 20-A, section 15686	\$10,712,943
26 Total other subsidizable costs pursuant to	
28 the Maine Revised Statutes, Title 20-A,	
29 section 15681-A	\$354,628,374
30	<hr/>
32 Total Operating Allocation	
34 Total operating allocation pursuant to the	
35 Maine Revised Statutes, Title 20-A, section	
36 15683 with 90% transition percentage plus	
37 transition adjustment pursuant to Title	
38 20-A, section 15686 and total other	
39 subsidizable costs pursuant to Title	
40 20-A, section 15681-A	\$1,558,863,193
	<u>\$1,558,184,194</u>
42 Total Debt Service Allocation	
44 Total debt service allocation pursuant to	
45 the Maine Revised Statutes, Title 20-A,	
46 section 15683-A	\$86,741,023
48 Total Adjustments and Miscellaneous Costs	

COMMITTEE AMENDMENT

Ref's.

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381

2	Total adjustments and miscellaneous costs	
	pursuant to the Maine Revised Statutes,	
4	Title 20-A, sections 15689 and 15689-A	\$51,570,351
		<u>\$55,144,293</u>

6
8 **Total Cost of Funding Public Education from Kindergarten to Grade 12**

10	Total cost of funding public education	
	from kindergarten to grade 12 for fiscal	
12	year 2006-07 pursuant to the Maine Revised	
	Statutes, Title 20-A, chapter 606-B	\$1,697,174,567
14		<u>\$1,700,069,510</u>

16 **Sec. J-7. Local and state contributions to total cost of funding public**
18 **education from kindergarten to grade 12.** The local contribution and
20 the state contribution appropriation provided for General Purpose
Aid for Local Schools for the fiscal year beginning July 1, 2006
and ending June 30, 2007 is calculated as follows:

22		2006-07	2006-07
		LOCAL	STATE

24
26 **Local and State Contributions to the**
28 **Total Cost of Funding Public Education**
from Kindergarten to Grade 12

30	Local and state contributions to		
	the total cost of funding public		
32	education from kindergarten to		
	grade 12 pursuant to the Maine		
34	Revised Statutes, Title 20-A,		
	section 15683	\$783,076,345	\$914,098,222
			<u>\$916,993,165</u>

36 **Sec. 11. Appropriations and allocations.** The following
38 appropriations and allocations are made.

40 **EDUCATION, DEPARTMENT OF**

42 **Teacher Retirement**

44 Initiative: Provides funds for the increase in the employer
46 contributions related to the normal cost component of the Maine
State Retirement System associated with providing teacher salary
48 adjustments to certified teachers in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
---------------------	----------------	----------------

Ref's.

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381

2	All Other	\$0	\$215,866
		<hr/>	<hr/>
4	GENERAL FUND TOTAL	\$0	\$215,866

General Purpose Aid for Local Schools 0308

6 Initiative: Provides additional funds in fiscal year 2006-07 to
 8 provide teacher salary adjustments to certified teachers in
 10 qualifying school administrative units.

12	GENERAL FUND	2005-06	2006-07
	All Other	\$0	\$2,894,943
		<hr/>	<hr/>
14	GENERAL FUND TOTAL	\$0	\$2,894,943

16	EDUCATION, DEPARTMENT OF		
	DEPARTMENT TOTALS	2005-06	2006-07
18			
	GENERAL FUND	\$0	\$3,110,809
20		<hr/>	<hr/>
22	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,110,809'

SUMMARY

26 This amendment is the minority report of the Joint Standing
 28 Committee on Education and Cultural Affairs. The amendment
 strikes and replaces the bill to accomplish the following.

30 1. It establishes a teacher salary adjustment for certified
 32 teachers in qualifying school administrative units for the
 2006-2007 school year.

34 2. It defines a "qualifying school administrative unit" as
 36 a school administrative unit or a career and technical education
 38 region that the Commissioner of Education has determined has
 40 36.52% or more of its resident pupils designated as "economically
 disadvantaged students" as defined in the Maine Revised Statutes,
 Title 20-A, section 15672, subsection 3 and in accordance with
 Title 20-A, section 15672, subsection 5.

42 3. It authorizes local collective bargaining, including the
 44 reopening of negotiations where a contract is already in effect,
 46 between teacher bargaining agents and qualifying school
 48 administrative units for the limited purpose of the use of the
 block grant fund payments provided through the teacher salary
 adjustment program as a recruitment or retention adjustment to
 the salaries of eligible teachers.

50

COMMITTEE AMENDMENT

File

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381

2 4. It repeals statutory language that limits the amount a
school administrative unit may be required to increase the salary
of any teacher to no more than \$500 in one school year.

4
6 5. It revises the statutes that define the categories of
targeted funds within the Essential Programs and Services Funding
Act by striking the term "assessment" and replacing it with the
8 term "implementation of a standards-based system" to broaden this
targeted fund definition to reflect the work that has been done
10 to implement a standards-based system of educating children in
kindergarten through grade 12.

12
14 6. It provides that for fiscal year 2006-07 a portion of
targeted funds to implement a standards-based system must be
dedicated to the distribution of teacher salary adjustments to
16 certified teachers employed in qualifying school administrative
units in school year 2006-2007.

18
20 7. It provides additional appropriations for fiscal year
2006-07 to fund the teacher salary adjustment program, including
the increase in the employer contributions related to the normal
22 cost component of the Maine State Retirement System associated
with providing these teacher salary adjustments to certified
24 teachers.

26 8. It amends Public Law 2005, chapter 519, Part J to adjust
the total allocation of funds to include the teacher salary
28 adjustment.

30
32

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1381

LR 1263(03)

An Act To Update Teachers' Minimum Salaries

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Cost - State Mandate

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$3,110,809	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$3,110,809	\$0	\$0

State Mandate

New or Expanded Activity

Requiring certain "qualifying schools" where a teacher bargaining agent exists and a contract is in effect to reopen negotiations to determine the use of the funds provided in fiscal year 2006-07 for salary adjustments is a mandate. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, the affected school administrative units may not be required to implement this measure.

Unit Affected

School

Costs

Significant

Fiscal Detail and Notes

This legislation provides teacher salary adjustments for certain qualifying school administrative units and provides \$3,789,808 in funding for the total cost of this measure.

This bill includes General Fund appropriations totaling \$3,110,809 in fiscal year 2006-07 for the Department of Education for the costs associated with providing the one-time teacher salary adjustment to eligible school administrative units. Of that amount, \$2,894,943 is provided to the General Purpose Aid for Local Schools program (GPA) and \$215,866 is provided to the Teacher Retirement program to increase the employer contributions of the

normal cost component of the Maine State Retirement System as a result of the teacher salary adjustment.

Public Law 2005, Chapter 519, the 2006-2007 Supplemental Budget, eliminated the proposal to establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2006. Of the \$3.6 million that had been available within the fiscal year 2006-07 GPA program to support the increase in teacher salaries, \$2.9 million was used to fund transition adjustments for certain eligible school administrative units, leaving approximately \$0.7 million remaining to fund the teacher salary adjustment. With only \$0.7 million available within the GPA funding, additional General Fund appropriations are required for the balance.

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DATE: 4-26-06

(Filing No. S-620)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1381, Bill, "An Act To Update Teachers' Minimum Salaries"

Amend the amendment in section 5 in §13405 by striking out all of the first paragraph (page 2, lines 17 to 19 in amendment) and inserting in its place the following:

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

Further amend the amendment by inserting after section 5 the following:

'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.'

Further amend the amendment by striking out all of sections 6, 7 and 8 and inserting in their place the following:

'Sec. 6. 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:

SENATE AMENDMENT

LR1263

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

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

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

14 Further amend the amendment by inserting after section 9 the
15 following:

16 'Sec. 10. 20-A MRS §15689, sub-§§7 and 8 are enacted to read:

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

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

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

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

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

40 (2) The number of teachers used in computing minimum
41 salary adjustments in a qualifying school

SENATE AMENDMENT

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2 administrative unit for fiscal year 2008-09 must be
3 based on the local staff information data supplied to
4 the department on or before October 1, 2008, and the
5 number of teachers used in computing minimum salary
6 adjustments in a qualifying school administrative unit
7 for each subsequent fiscal year must be based on the
8 local staff information data supplied to the department
9 on or before each subsequent October 1st for the
10 teachers who were first eligible to receive the minimum
11 salary adjustment in the qualifying school
12 administrative unit for the 2008-2009 school year.

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

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

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

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

34 Further amend the amendment by striking out all of sections
35 10 and 11 and inserting in their place the following:

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

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

40
41
42
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44
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46
47
48
Total Operating Allocation 2006-07
TOTAL

SENATE AMENDMENT

RAIS

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 480,
L.D. 1381

2	Total operating allocation pursuant to the	
	Maine Revised Statutes, Title 20-A, section	
4	15683 without transition percentage	\$1,326,135,418
		<u>\$1,325,400,719</u>
6		
	Total operating allocation pursuant to the	
8	Maine Revised Statutes, Title 20-A, section	
	15683 with 90% transition percentage	\$1,193,521,876
10		<u>\$1,192,860,647</u>
12		
	Transition adjustments pursuant to the Maine	
14	Revised Statutes, Title 20-A, section 15686	\$10,712,943
	Total other subsidizable costs pursuant to	
16	the Maine Revised Statutes, Title 20-A,	
	section 15681-A	\$354,628,374
18		<hr/>
	Total Operating Allocation	
20		
	Total operating allocation pursuant to the	
22	Maine Revised Statutes, Title 20-A, section	
	15683 with 90% transition percentage plus	
24	transition adjustment pursuant to Title	
	20-A, section 15686 and total other	
26	subsidizable costs pursuant to Title	
	20-A, section 15681-A	\$1,558,863,193
28		<u>\$1,558,201,964</u>
30		
	Total Debt Service Allocation	
32		
	Total debt service allocation pursuant to	
34	the Maine Revised Statutes, Title 20-A,	
	section 15683-A	\$86,741,023
36		
	Total Adjustments and Miscellaneous Costs	
38		
	Total adjustments and miscellaneous costs	
40	pursuant to the Maine Revised Statutes,	
	Title 20-A, sections 15689 and 15689-A	\$51,570,351
42		<u>\$52,231,580</u>
44		
	Total Cost of Funding Public Education from	
46	Kindergarten to Grade 12	
	Total cost of funding public education	
48	from kindergarten to grade 12 for fiscal	
	year 2006-07 pursuant to the Maine Revised	
50	Statutes, Title 20-A, chapter 606-B	\$1,697,174,567

2008

2 **Sec. 11. Employer's share of teacher retirement costs in fiscal year**
3 **2006-07 and fiscal year 2007-08.** Notwithstanding the Maine Revised
4 Statutes, Title 20-A, section 15681, subsection 1, paragraph B,
5 it is the intent of the Legislature that a portion of the
6 targeted funds to implement a standards-based system be dedicated
7 to meet the employer's share of teacher retirement costs
8 attributable to achieving a \$27,000 minimum teacher salary in
9 fiscal year 2006-07. It is further the intent of the Legislature
10 that the amount required to meet the employer's share of teacher
11 retirement costs attributable to achieving a \$30,000 minimum
12 teacher salary in fiscal year 2007-08 be transferred by the 123rd
13 Legislature to the Maine State Retirement System in the
14 appropriate fiscal year.

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

22 Further amend the amendment by relettering or renumbering
23 any nonconsecutive Part letter or section number to read
24 consecutively.

26

SUMMARY

28

29 This amendment amends Committee Amendment "A" to accomplish
30 the following.

32 1. It establishes a minimum salary of \$27,000 for certified
33 teachers for the school year starting after June 30, 2006.

34

35 2. It establishes a minimum salary of \$30,000 for certified
36 teachers for school years starting after June 30, 2007.

38

39 3. It provides that the intent of the Legislature is that
40 the State provide 100% of the funding from state General Fund
41 appropriations to achieve the \$27,000 minimum salary for
42 certified teachers for the 2006-2007 school year and to achieve
43 the \$30,000 minimum salary for certified teachers for the
44 2007-2008 school year, including dedicating a portion of the
45 targeted funds to implement a standards-based system for fiscal
46 year 2006-07.

46

47 4. It provides that, beginning in school year 2008-2009,
48 the funding necessary to continue to provide the \$30,000 minimum
49 salary for certified teachers who are employed by qualifying

SENATE AMENDMENT

2013

2 school administrative units must be included as an adjustment to
3 the state share provided to qualifying school administrative
4 units in the determination of the state and local shares
5 calculated in accordance with the Essential Programs and Services
6 Funding Act.

7 5. It provides that, in school year 2009-2010 and each
8 subsequent school year, money from the state General Fund must be
9 allocated to continue this adjustment for the minimum salary for
10 certified teachers who were employed by qualifying school
11 administrative units in school year 2008-2009 and who continue to
12 be employed in the same school administrative units in the
13 subsequent school year.

14 6. It indicates that it is the intent of the Legislature
15 that the 123rd Legislature appropriate at least \$2,118,308 in
16 fiscal year 2007-08 to carry out the purpose of the Maine Revised
17 Statutes, Title 20-A, section 13406 and section 15689, subsection
18 7, paragraph C.

19 7. It also indicates that the intent of the Legislature is
20 that the amount required to meet the employer share of teacher
21 retirement costs attributable to achieving the minimum teacher
22 salary in fiscal year 2006-07 and fiscal year 2007-08 be
23 appropriated or allocated to the Maine State Retirement System in
24 the appropriate fiscal year, including dedicating a portion of
25 the targeted funds to implement a standards-based system in
26 fiscal year 2006-07 to meet the employer share of teacher
27 retirement costs attributable to achieving a \$27,000 minimum
28 teacher salary in fiscal year 2006-07.

29 8. It amends Public Law 2005, chapter 519, Part J to adjust
30 the total allocation of funds to be distributed in fiscal year
31 2006-07 under the Essential Programs and Services Funding Act to
32 include the minimum teacher salary.

38 **FISCAL NOTE REQUIRED**
39 (See attached)

40
41
42 SPONSORED BY: *Elizabeth Mitchell*
43 (Senator MITCHELL) *2013*

44 COUNTY: Kennebec



122nd MAINE LEGISLATURE

LD 1381

LR 1263(08)

An Act To Update Teachers' Minimum Salaries

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Senator Mitchell

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	(\$3,110,809)	(\$43,212)	(\$63,226)
Appropriations/Allocations				
General Fund	\$0	(\$3,110,809)	(\$43,212)	(\$63,226)

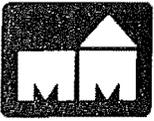
Fiscal Detail and Notes

This amendment reduces the total General Fund cost of the bill by \$3,110,809 in fiscal year 2006-07. Because this amendment still requires local school administrative units to establish a minimum salary of \$27,000 for certified teachers for the school year starting after June 30, 2006 and \$30,000 for the school year starting after June 30, 2007 and each subsequent year thereafter, this legislation is still a State mandate. This amendment does provide for the total cost of increasing the minimum teachers salary to be funded by the State beginning in fiscal year 2006-07.

As amended, this bill increases the minimum teacher salary to \$27,000 in fiscal year 2006-07 and \$30,000 in fiscal year 2007-08. The total cost of the provision in fiscal year 2006-07 is estimated to be \$661,229 of which \$623,566 is associated with the salary adjustment and \$37,663 is associated with the increase in the employer contributions of the normal cost component of the Maine State Retirement System due to the salary increase. Because sufficient funds remain within the targeted student assessment funds that had been identified as being available to support the costs associated with the salary adjustment within the fiscal year 2006-07 General Fund appropriation for General Purpose Aid for Local Schools program, no additional General Fund appropriation is required.

The total cost of the provision in fiscal year 2007-08 is estimated to be \$2,118,308 of which \$1,997,650 is associated with the salary adjustment and \$120,658 is associated with the increase in the employer contributions of the normal

cost component of the Maine State Retirement System due to the salary increase. As amended, this bill provides that it is the intention of the Legislature that \$2,118,308 be appropriated in fiscal year 2007-08 to support the costs associated with the salary increase, including the teacher retirement costs. The total cost to the State to fund the increase in the minimum teacher salary beginning in fiscal year 2008-09 can not be determined at this time.



Maine Municipal Association

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AUGUSTA, MAINE 04330-9486
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Testimony of the Maine Municipal Association
In Opposition to LD 1061
An Act to Improve the Recruitment of Teachers
and
In Opposition to LD 1381
An Act to Update Teachers' Minimum Salaries
April 13, 2005

Senator Mitchell, Representative Norton, members of the Education Committee, my name is Geoff Herman and I am submitting this testimony in opposition to LD 1061 and LD 1381 on behalf of the Maine Municipal Association.

MMA's Legislative Policy Committee voted to oppose both of these bills for several reasons.

First, the municipalities are concerned about the impact of mandated minimum teachers' salaries on the overall costs of K-12 education and the property tax effort that must be expended to support those costs. It is our understanding that the exiting base salary in the EPS matrix is \$26,700. By increasing the base to \$30,000, as proposed in LD 1381, the entire matrix would have to be upgraded in all its cells as a matter of fairness. The result would be a very significant increase in the EPS-derived per-pupil allocation for every school system. An increase in the allocation level of this magnitude would lead to substantial increases in school costs for both the state and local governments. The municipal officials are very concerned that whatever property tax relief might be provided through the implementation of LD 1 will become even more unavailable with these mandatory increases in school costs.

Even without codifying the so-called "ripple effect" through the EPS matrix, MMA would be opposed to this proposal. Whether the EPS matrix realistically represents the effect of increasing the base teachers' salary throughout all the potential steps, or only recognizes the effects of increasing the base salary, and then compresses the impacts of that base increase on all the subsequent steps, the result is the same...sharply increased costs of K-12 education. The only difference is which taxpayers absorb the brunt of the increase...the property taxpayers or the state's General Fund.

The municipalities are even more confused by LD 1061, which would appear to establish a base teacher's salary that is below the current matrix levels. It seems as though a great deal of confusion is generated by establishing and publishing a statewide average base through the EPS model and also enacting a statutory base in law that is roughly

\$2,000 less than the EPS base. It's a confusing message. For those teachers who may be paid significantly less than the state average, the publication of the salary matrix within the EPS model certainly adds valuable information to their salary negotiations.

Perhaps the municipal position would be different if teachers were prohibited for some reason from joining labor unions or negotiating their salaries with their public employers. As it stands, however, the municipalities are of the opinion that the collective bargaining process effectively results in a fair, market-based determination of teacher salaries in the context of wage and salary rates that are provided throughout Maine.

Mark L. Gray, Ext. 303 *Executive Director*

Robert W. Walker, Ext. 320

President

Christopher J. Galgay

Vice President

Lois Kilby-Chesley

Treasurer

Terry J. Given

NEA Director

Crystal D. Ward

NEA Director

Senator Mitchell, Representative Norton and members of the Education and Cultural Affairs Committee:

I am Rob Walker, President of the Maine Education Association. The Maine Education Association represents more than 17,000 K-12 educators. I am here today to speak in favor of LD 1381 An Act To Update Teachers' Minimum Salaries.

I am here today because we are in the same place we were back in 1987. Back then the state of Maine, as it compared to the rest of the country, was near the bottom as states were ranked for beginning teacher salaries. With our college graduates being far more mobile than they were back in 1987, it is even more important to address the issue of teacher recruitment. Now, as it occurred back in 1987, the MEEA feels the state will once again have to step up to the plate to head off what could shape up to be a sorry state of affairs for public education in Maine.

As a reminder there are some characteristics of the current Maine teaching force that should be kept in mind.

- The work force is aging. The largest population age band for K-12 teachers is the 50 -55 year old band. The second largest is the 56-60 year old age band.
- Retirements increased by 59% from 2003 to 2004.
- 60.6% of the teachers surveyed have seriously considered getting out of the profession in the past two years. (Many in the two age bands above could find a way to make it happen financially.)
- 44.4% of the teachers surveyed indicated that if they could go back to their college days and start over they would choose a different path.

We have done little to maintain the status quo.

- If the state mandated minimum salary of \$15,500 enacted by the Maine Legislature for the 1987-1988 school year had been adjusted for inflation, the minimum salary for 2004-2005 would now be \$25,797.
 - Almost one half of the bargaining units that have reported their salary scales for this year (62 of 127) have entry level salaries that fall below this inflation-adjusted amount.
 - The lowest entry level salary for this year - \$20,750 – is more than \$5,000 below the minimum salary that would be equivalent in current dollars to the 1987 mandated minimum salary.

Our college students, particularly our best students, compete in job market that is at least national – perhaps globally. Teaching is still a profession dominated by women. Today talented women and men have more career choices. We endorse strategies to bring them into teaching. That includes providing a good starting salary.

There has been significant erosion of Maine's national ranking for beginning teacher salary. The annual teachers' salary report by the American Federation of Teachers includes rankings average beginning teachers' salaries.

- The most recent report, for the 2002-2003 school year, ranks Maine's average beginning teachers' salary in 47th position among the states (of 51, the District of Columbia is also included).
- North Dakota, South Dakota, Montana, and Arizona are the only states that rank below Maine (the data on Arizona may be inaccurate).
- The average beginning teachers' salary for the United States as a whole was reported to be \$29,564 in 2002-2003, almost \$5,000 higher than in Maine.

The Governor indicates that he would like to see this bill held over. In light of budgetary constraints, the MEA would find that acceptable.

CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Representative:
CURLEY of Scarborough

READ.

On motion of Representative FISCHER of Presque Isle, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1063)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1063)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Nine Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-577)** on Bill "An Act To Update Teachers' Minimum Salaries"

(S.P. 480) (L.D. 1381)

Signed:
Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot
Representatives:
DAVIS of Falmouth
FINCH of Fairfield
EDGECOMB of Caribou
NORTON of Bangor
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
CAIN of Orono

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:
Senator:
TURNER of Cumberland
Representatives:
STEDMAN of Hartland
LANSLEY of Sabattus

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-578)** on same Bill.

Signed:
Representative:
MERRILL of Appleton

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-620) thereto.

READ.

Representative GOLDMAN of Cape Elizabeth moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: As many of you know, the minimum salary proposal was part of the budget originally. It came before our committee. We had, as I recall, a long hearing in Appropriations on this proposal and tried to get to the heart of what the problems are that we are trying to solve with this piece of legislation. What we identified was basically three issues that the salary piece was supposed to fix for us. One of the problems was you had young teachers who were coming out of college and going into the workforce at the bottom of the salary scale and many of them had lots of debts from their university experience that they wanted that salary higher to help them offset those costs. We also had the issue of retaining the other teachers in the teacher corp. because we know there is a lot of turnover. We lose a lot of teachers in the first five years and it was thought that if we get salaries up, that would help that as well. Also we had the issue of, to some extent, equalizing salaries between the different districts. We have some very high paying districts and we have some that are very low. Underfunded districts can't afford to compete with the more wealthy districts. When we sat down to work on the budget, we tried to figure out some ways to solve those problems without having to go through the process of having the dramatic effects on collective bargaining and property taxes and so forth that this proposal will have.

The good news is we have managed to do quite a lot, frankly, in the budget that all of us passed here a few weeks ago to solve, or at least take a big step forward; on all three of those problems. With regard to college debt problem, you may already be aware that the state has a program called the Educators for Maine Program, which is run by FAME. What it is is a program that offers forgivable loans to students who are in an education track and going into teaching up to \$3,000 a year for the four years they are in school. When they become teachers in service for every year of teaching that they do, they get one year of those loans, \$3,000 forgiven. It is a great program. Unfortunately what we have found in the hearing is that the program is underfunded. One of the pieces that was put into the supplemental budget that we passed a few weeks ago was a near doubling of the amount of money from the General Fund going into the Educators for Maine Program. They are right now sort of crunching numbers to figure out how many more people we are going to be able to bring into the program. They are going to do some things to expand the availability of the program and make it so it is a little more effective in getting the word out that this is available to young college students who want to go into teaching and we think in that way we are able to sort of take a big step forward on the college debt load issue.

On the retention of in-service teacher's issue, we actually got a couple of things accomplished this session that I think we can be very proud of. Thing number one we did is we passed by a wide margin, as I recall, the local assessment moratorium bill. As most of you know, the local assessment system that was put in place a couple of years ago created a tremendous amount of

work, paperwork, took teachers away from teaching, away from working with kids so that they could basically push paper around. It was not a very well designed system. The committee worked very hard to come up with a way to put a moratorium on that while it was reworked. We passed that in here. With that single piece of legislation, we dealt a serious blow to the workload issue that from my perspective as a classroom teacher is one of the main issues driving teachers out of the profession. We are spending way too much time on paperwork and not nearly enough time with kids.

The other piece that we put into the budget to deal with retention issues is the National Board of Teacher's Standards Certification Program to put a cash benefit for those teachers. Probably nobody outside of the profession knows about this, but there is a body called the National Board of Professional Teaching Standards, which many years ago established a set of standards for exemplary teaching and awards a board certification, much like you find in many other professional fields to those teachers who achieved those high standards. It is a very difficult process to undertake. It takes a year or a year and a half to do it. It is very costly. The consequence is, you end up with teachers who spent a tremendous amount of time looking at their craft, honing their craft, learning and working on the material that they work with and becoming better teachers. We have about 100 of those teachers in the state now. We have tens of thousands across the nation. In 30 other states, we discovered when we were researching this, offer some sort of stipend to board certified teachers to encourage them to come to those states and teach. As of the passage of the budget here a few weeks ago, Maine has also become one of the states, to my knowledge, the only one in New England, which offers a stipend to nationally board certified teachers who have achieved this very high distinction. I have learned, coincidentally, from an e-mail that I got yesterday at my school e-mail account, from my assistant principal, forwarded from the Commissioner, says, "As you may know, the Legislature recently agreed to provide a \$3,000 annual stipend to any Maine teacher achieving National Board certification. As a result, more teachers are expressing interest in certification." It goes on to explain how to achieve the certification process and who to contact at the department and so forth.

So, already, even weeks after this has been put into place, teachers are beginning to look at taking the time out of their schedules to pursue board certification and become better teachers. By rewarding our great teachers and by doing what we can on workload, I think we have taken some giant steps forward in this session on teacher attention issues.

The last issue having to do with more equality among salaries across the state, we actually got another chunk done out of the budget by putting more than \$40 million towards to EPS ramp up to 55 percent that we are in the middle of right now. Over the next couple of years we are making a dramatic state funded expansion of money into our education system. The sheet I have here from the Department of Education indicates in '04 and '05 the state's share of total spending on K-12 education was \$737 million. That is expected to top a billion by the '08-'09 school years. That is four years to add a quarter a billion dollars in new funding to our schools. What that means is for schools that are at or above the EPS number, that could potentially mean property tax relief if the local school districts take the step of controlling spending and applying that money to property tax relief.

You also have nearly 100 districts that are below the EPS numbers established by the state. This spreadsheet has been floating around that has the over/under on the 100 percent of EPS. We have, by my count, almost 100 districts that are under

what the state says they should be spending. The additional money that we are going to be pouring into these districts over the next couple of years means that those low districts that haven't had the resources to provide a decent salary to those teachers are going to have more resources. We know that the EPS system contains a salary matrix provision that has average salaries across the state and as the amount of money pouring into EPS continues, that salary matrix will be adjusted each year to move that salary up. Those districts below EPS will be expected to raise their teacher's salaries as we continue to make these dramatic investments in our schools over the next couple of years.

The three issues we had in front of us, we worked very hard in the Appropriations Committee trying to find a way to do this in the budget. I think that we did it with that and a couple other pieces of legislation that we have been good enough to pass in this body and, most importantly, we have done this without what we all know is going to be a dramatic impact on our local districts, an unfunded liability that even conservative estimates place at least \$50 million to bring not just these teachers under \$30,000, but all the other teachers in the teacher's scale up to a higher level. We have done a lot. We have managed to avoid a burden placing another burden, another mandate, on our local districts that the property tax is going to have to take care of. I think we can walk out of here without supporting this provision and go home to our teachers and tell them that we have done a good job.

I was back in the classroom after all of these weeks just earlier this week, back with my eighth graders and my teacher colleagues and I was happy to tell them that I thought we had made a lot of progress this session and that they could be proud of the work that we have done for them. I would ask that we oppose the pending motion and move on to the Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I like all the things I just heard. The thing that bothers me a little bit is what we are really trying to do here is address some of the problems that some of those 100 SAUs have. If we can pump money into their schedule by giving those people who are below a minimum of 27 for the coming year and \$30,000 for the following year, it helps them move that much more quickly. These SAUs actually have several teachers, in fact, what we are trying to do, this is it, at state's expense is pay those districts for everyone they have below \$27,000 for next year and below \$30,000 for the following. That is not just new hires. That is anyone who makes below that.

I have been hearing the problems that people think that has. Actually it doesn't have the problems we are hearing about. I invite you to talk with the commissioner or whoever you need to get the facts on that. This is our way of trying to help with that recruitment and retention problem. What has been happening is the lower end of the pay scales have not been moving. It gets very difficult for small schools to attract the kinds of teachers that they want to have, that would give their children the same kind of equity that schools who can pay more attract. This is our way of trying to help that piece and address it. That money is pumped into the salary schedule then it becomes part of that salary schedule and since the teacher salary grid is a piece of EPS that is expenditure driven, then the state reimburses you for that salary. Since most of these districts are high receiving districts, that comes at a pretty good rate. If you are a high receiver, the state reimburses you considerably more. Most of you probably know what percentage you have of state subsidy. That, along

with, paying for the increase on the base, moves small schools up quite quickly. That was our goal in this bill.

The **SPEAKER**: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I represent six schools. They are minimum receivers. They are minimum receivers not because they are wealthy communities, but they are that way because they are low in enrollment and high in assessed value. What this bill would do is tend to push up the wage structure in such a way that it would really create an expense on those communities that would have to come out of the property value, because they are not the high receiver schools as the good Representative from Bangor had indicated would gain by this method. I would encourage you to defeat this measure and vote red, please.

The **SPEAKER**: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also urge you to vote against this motion. Having dealt with teacher's salaries, negotiating salaries over the years, it has been my experience that once you have changed the base number, the whole scale goes up too. When this happens, this puts an additional burden on the local system to meet those demands of salary for people wherever they are on the scale. When you look at those districts, particularly in southern Maine and in the larger cities, most of them do not have this problem because they are already at a \$30,000 base or more. This is not an issue for them. For the smaller towns and smaller SAUs in the state, this can be a tremendous burden over the next few years.

I would urge you to look at the Senate Amendment, which is (S-629), which was added in the Senate. Some of the expectations from this particular amendment, the intent of the Legislature, is the 123rd Legislature will appropriate at least \$2,118,308 in fiscal year '07 and '08 to carry out the purpose of this bill. This is putting a burden on the next Legislature to meet the demands we are placing on them by putting this bill in action. That is only one of the problems that I can see as related to this amendment. As an example, I would like to encourage you to vote against this. Let the local districts as their money rolls in from the state to meet their education costs, address this issue locally and let them do it without being told by the state that you have got to do this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the last three speakers. I would like to add something very short and sweet. This morning we were talking about bonds. It was suggested that we listen to our citizens back home. I haven't heard that at this point. I have e-mails from several school districts in southern Aroostook County. One of them talks about the devastation that this would perform on what they are trying to do now. There are a few things left out that ought to be mentioned. Southern Aroostook School District, the Superintendent over there, they have had take backs already on those individuals who are not teachers, but who work in the school districts. We are talking bus drivers, some of the aides, some of the people who work year round, we are getting a skewing of money here simply by saying, let's help the teachers along.

A couple of other issues, I got a call from the Town Manager in that area. One of the six towns in the Southern Aroostook School District, they are having a town meeting next week,

because they are behind on the payments in the school district and they are going to have a town meeting to see whether or not they can get a bank loan to pay their share into this school district. These districts are struggling now to get things paid for. The Superintendent also told me they are in the process of negotiation and the papers that are on the table now on a starting salary of \$30,000. What is your funding on the 281 form on the essential programs and services? They said they are getting 64 percent. I said that is not bad. He said that is not the whole story, because the funding formula has things like \$38 per kid for substitute teachers. That is not nearly enough. He also said there is a line for supplies. They are over on that. You throw in a number of costs that they are going to have and may continue to have around fuel and busing, he told me that they are going to have to raise over \$980,000. By the time you figure out what the EPS formula actually contributes towards the full school operation, it is hardly 64 percent. It is somewhat lower than that.

I also had an e-mail from Roger Shaw who is Superintendent at Mars Hill. He uses the same language. He uses very specific examples of what is taking place. It is great for us to be able to stand down here and speak hypothetically, but when you talk to those 100 school districts that were mentioned before and they give you number after number. I think it causes us to take a deep breath before we do this.

I would also add, I asked the Superintendent if he had the average salaries around the state? He said that he did. There are some nice starting salaries, especially in those areas where they are above the 88 percent per labor market and the 100 or 107 percent labor market where they are already going to get reimbursed. I appreciate the good Representative from Bangor telling us that this is certainly going to help move those salaries up so that maybe we will be at that 88 percent labor market. He also gave me some top salaries too. There are top salaries that are pushing \$60,000 a year in this state. As a negotiator, you are talking about lower starting salaries. One of our tricks, if you will, when we were negotiating was to look who was on the salary schedule and where and we never bothered with the lower end of the salary schedule for the very few people that were there. If you look at the upper end of the salary schedule, some of those are fairly decent. We used to say, let the school board figure out what they can do if they want new teachers in here. They can play around with the lower end of the salary schedule. Some of this business about low salaries are a function of how negotiations took over a series of years.

If you look at the average teacher's salary, I hate to talk to average, in this state is not far out of line for the average wages in this state. We all play these games. At one time when I was on the NEA Board, I was called in and we wanted to have the average teacher's salary the same as the average salary in the State of Maine. We exceeded that for a period of time. This is just another way of doing this. We understand this is a political year. I understand that. We understand probably why some of these bills are in. I think the reality is people are going to get hurt, seriously real live people. They have roads to fix. They are going to borrow money out of the bank for tax anticipation notes, if that sounds familiar, to pay what they owe the school districts.

Out of Aroostook County, in general, the superintendents are saying, you are killing us, in a figurative way, I gather, maybe literally. I would oppose the \$30,000 with all due respect to the profession that I served in for 30 some years. I think it is out of line at this time. I think if EPS was operating on a correct labor market, you might be able to support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Goldman.

Representative **GOLDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly appreciate the dilemma that this particular kind of bill can present. I do not wish, in any way, to either sound or be unsympathetic to those various dilemmas. There are a couple of points that I really would like to make.

Number one, we already have in statute a minimum teacher's salary. From time to time it gets raised. The last time that I remember it being raised was almost 20 years ago. In statute right now the minimum is \$15,500. Having looked at the various salary scales throughout the state, I don't think there is anybody who is a full-time classroom teacher who is actually being paid at that minimum. As with other things from time to time, it becomes a necessary economic competitive necessity. It is one of the things that the state statutes certainly are expected to do. It is to update those kinds of minimums. Therefore, that is where this particular effort comes from.

As far as any kind of precedent, I was a superintendent beginning more than 20 years ago, the last time the minimum was raised. It was raised in a somewhat different manner, perhaps that is the way this should have happened. In any rate, we had block grants and we began to do some creative negotiating. We did, in fact, have sympathies for raising the minimum. I am sure everybody in this body also has sympathies for doing that, particularly in those parts of the state where teachers are not competitive as far as statewide salaries are concerned.

We found, as a matter of fact, that it was a healthy process and one that helped us sometimes to look at what we are doing. In many cases, some teacher's salary scales have far too many steps and there needs to be some kind of regrouping or rethinking how you do it. It also was possible for us to take the process over more than one year. The negotiating process allowed us to respond to some of the dilemmas that people are raising in a more orderly and more manageable fashion. I personally do not have total answers to any of the issues that people are raising. I do think that this is a major way in which states make statements. In this case, a statute statement of a minimum salary that from time to time as people look at our state and come to it and look for employment, it is important to make sure that these minimums are raised periodically.

I do want to commend my good colleague, Representative Bowen, I deeply applaud the steps that were taken, the stipends and the loan forgiveness. Those are all important issues. When this discussion was started in our committee earlier, of course, we had a somewhat different understanding of where the money was coming from, how it would be used and a little different version of how this would happen. I do want to go back and emphasize that it is a state statute necessity. We already have a minimum in place. At \$15,500 it is not going to attract many young teachers coming into the state. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There was a question put to me and I don't think I answered it. I will direct your attention to the amendment with the filing number (S-620) if you are having trouble understanding where we are. This bill has been amended. Someone said that the state picks up the cost for the minimum salary for the first year. I want to direct your attention to what it says about the second year. It says each school administrative unit shall establish a minimum salary of

\$30,000 for certified teachers for the school year starting on June 30, 2007 and in each subsequent school year. I did just want to point that out, because I had been asked about that.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand this amendment covers the starting salaries for the first year and it has an intent, but not a mandate to have the Legislature and the state pay after that? Who pays for all the other salaries that are increased as a result of the ripple effect that we heard mentioned here at the local level?

The SPEAKER: The Representative from Naples, Representative Cebra has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once those higher minimum salaries are rolled into the EPS grid, your community then will receive the portion of that that you receive in state subsidy. That is what happens as teacher's salaries do increase because of that grid.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The previous speaker confused me a bit. I was wondering if there could be a clarification. There was an amendment that was attached in the other body. Are we voting on the Majority Report out of committee or are we voting on the bill as it came back from the Senate?

The SPEAKER: The Majority Report as amended by Committee Amendment "A." The Clerk indicates that the Senate Amendment is not before us because we have not yet adopted the report. Therefore, it would not be proper to be before us. At this stage, it is as you look on Supplement #3 it will indicate to you that the pending question before the House in which a roll call has been ordered is to accept Report "A" Ought to Pass as Amended. The Representative may proceed.

Representative **TRAHAN**: Thank you Mr. Speaker. Having talked to several members who are very confused on where we were, I just wanted to have you clarify that in order take action that has been done in the other chamber, we first have to pass this bill to get on to that.

The SPEAKER: That is correct. You can't get there yet until we have taken our action first, then we could adopt the Senate Amendment if that is the decision of the body.

The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Point of Order, Mr. Speaker.

The SPEAKER: The Representative may state his Point of Order.

Representative **KAELIN**: Thank you Mr. Speaker. As I understand it, what is before us is Senate Amendment (S-577), which you just confirmed. If I read that fiscal note carefully, it tells me there is a state mandate involved in passage of that amendment, particularly in the future years. I believe the bill is in the posture before us where it would pass on a simple majority. I would like to ask the Speaker if he could rule as to whether or not

there shouldn't be a mandate preamble on this bill requiring a two-thirds vote for passage.

The SPEAKER: The Chair would answer that he wouldn't answer that question until the question was ripe, meaning the question was before us. At this time the only question before us is acceptance of Report "A." If we get to that point, your motion to consider would be appropriate before us and then I would rule on it. The Representative may proceed.

Representative KAELIN: Thank you Mr. Speaker. Before the vote is taken the question about whether or not there should be a mandate preamble on the motion is at that time appropriately before you.

The SPEAKER: After Engrossment that is when it would be appropriate for you to rise and state an objection.

The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative LANSLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess in the confusion we were speaking about ramping up a \$27,000 minimum salary to a \$30,000, which that information is not correct now with running the Committee Amendment. So it is a \$30,000 minimum salary with the fiscal note that is attached to the Committee Amendment.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do think that the good Representative from Sabattus is correct. I was premature. I was looking at the Senate Amendment. I do think that the posture we are in is the \$30,000 piece of it.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending the motion of Representative GOLDMAN of Cape Elizabeth to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned. (Roll Call Ordered)

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Amend the Fees for Probate Filings
(S.P. 717) (L.D. 1800)
(C. "A" S-617)

Which was **TABLED** by Representative TARDY of Newport pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

Subsequently, Representative FLOOD of Winthrop **WITHDREW** his **REQUEST** for a roll call.

The Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 1224) (L.D. 1717)
(C. "C" H-1058)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative VAUGHAN of Durham, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "C" (H-1058)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "B" (H-1070) to **Committee Amendment "C" (H-1058)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been stated that the Legislature has no actual interest in doing anything to protect the public from sexual predators. I know that a lot of people from both sides of the aisle have submitted bills within the last couple of years. This amendment prohibits a person who has been convicted and sentenced as a 10-year registrant or as a lifetime registrant from taking residency and maintaining registry in a small municipality that does not have its own police department or other law enforcement agency is capable of responding to a call within five minutes.

There are a number of small towns in this state, probably every one of us has such a situation in our districts. They are towns without police forces.

The SPEAKER: Will the Representative please defer?

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette and asks for what reason the Representative rises?

Representative BLANCHETTE: Point of Order. I would ask the Speaker to rule on the germaneness of this being before us. This appeared before Criminal Justice and Public Safety in the form of a bill and it was LD 285. It came out of the committee Ought Not to Pass on May 5, 2005. I would like a ruling immediately please.

Representative BLANCHETTE of Bangor asked the Chair to **RULE** if House Amendment "B" (H-1070) to **Committee Amendment "C" (H-1058)** was **GERMANE** to the Bill.

Subsequently, Representative VAUGHAN of Durham **WITHDREW** House Amendment "B" (H-1070) to **Committee Amendment "C" (H-1058)**.

Representative MCLEOD of Lee inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

Representative TARDY of Newport **PRESENTED** House Amendment "F" (H-1075) to **Committee Amendment "C" (H-1058)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I offer this amendment, which creates a new crime of aggravated gross sexual assault so that this body can stand for and recognize that there is a difference in the ways in which some crimes can be committed. What I thought as I put this amendment together is how do we find language that recognizes the most horrible of crimes that we have in society and how do we track the facts of the "Jessica's Law" case and create a crime, which I can't imagine wouldn't warrant a mandatory minimum sentence.

I understand as a criminal defense attorney that some of you actually worked for a while in a prosecutor's office and in the AG's Office when I was in law school. Mandatory minimum sentences do create a stress upon the system. I have concerns with some mandatory minimum sentences, but for sure Maine law is littered

The Chair laid before the Senate the following Tabled and Later (4/10/06) Assigned matter:

JOINT ORDER - Establishing the Joint Select Committee on Research, Economic Development and the Innovation Economy
S.P. 847

Tabled - April 10, 2006, by Senator **BROMLEY** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, April 10, 2006, on motion by Senator **BROMLEY** of Cumberland, **READ**.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-624) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-624).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/11/06) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update Teachers' Minimum Salaries"

S.P. 480 **L.D. 1381**

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-577)** (9 members)

Report "B" - **Ought Not to Pass** (3 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-578)** (1 member)

Tabled - April 11, 2006, by Senator **MITCHELL** of Kennebec

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)**

(In Senate, April 11, 2006, Reports **READ**.)

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to ask you to oppose the motion before us and ask you think about its implications as it affects the property tax. It should be quite obvious to you that if you have school districts that are currently below the minimum and if you expend money to bring those salaries up to the

minimum, that all those steps in that school district will now adjust accordingly, either by opening a new contract or modifying an existing one. When that happens the additional tail associated with this action will fall disproportionately on the property tax. It is possible that in some cases that might be minimal. It is also possible in many cases it could be significant. If you happen to be in a school district that is already above the minimum I don't think you can sit back say that your school district is safe because by virtue of moving the minimum salary from \$15,500 to \$30,000, as this bill suggests, opens up the opportunity for renegotiation and new contracts in those school districts who have their minimum above \$30,000. On the back of the envelope calculation on the tail associated with this could be as high as \$50 million or more. That's not a figure that I can expand on for you but it is a figure that has been discussed around our committee as the Education Committee deliberated on this matter. We did some very good things with L.D. 1 fourteen or fifteen months ago. We used that vehicle to affect property tax relief and the engine that drove that was the EPS funding formula. We are now going to use that same mechanism to take property tax relief away from many of our citizens. I think that is a mistake. I don't have a better offer to make you this afternoon with regard to how we should handle this matter. I do believe this is the wrong way. I would urge you to vote against the motion, and I think this is something the Education Committee could deliberate on as we go through the end of this session and approach the 123rd. I think all of us will agree that there is a need to put more money into the classroom. I just don't think this is a very good way to do it. I think there are better ways that we could explore, and I would encourage you to vote against the motion. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. Forgive me for making a few educational analogies, but our committee and many of you have been looking at this bill since we came into session a year ago. I had a bill that came before our committee that talked about raising teacher pay. That bill was carried over because it was indeed complex. As the good Senator from Cumberland, Senator Turner, has pointed out, how do we accomplish this in a fair and equitable way? At the beginning of this year the Chief Executive announced that in his budget he was intending to raise the minimum teacher pay to \$30,000 and it would be funded out of the state budget, the difference in the pay for where teachers are now to get them up to \$30,000. Well, something happened along the way to passing that budget and that fell out of the budget. It was left for today's debate. It was left for us to make a separate and conscience decision on this issue. I have no quarrel with that. Later on, if we should get past this first hurdle, I will offer an amendment which reflects some of the money that was taken out of the fund for the \$30,000 and suggest to you that we don't have enough to go to \$30,000 in the first year but to go to \$27,000. I'm not there yet, I have to get over the first hurdle.

Please bear with me for a moment because here we are in the waning days of the session with what I thought was the most important bill that I sponsored when I came here almost two years ago. I am reminded of Shakespeare. If you can think back to your Shakespeare days and remember Polonius saying goodbye to Laertes when he was at the door when he was going away.

You've had this experience if you have children going off to college or someplace. You say all the important things while you are standing in the doorway. Remember he told him 'To thine own self be true' and all those other things you've quoted for years. Here we are, on the waning days of the session, and I'm trying to tell you everything that I think is so important about this extraordinary opportunity that we have here to set things right.

The other thing I want to say is about a bumper sticker I'm reading all the time. If you can read these bills, thank a teacher. I also know, and you know, that money should be put where our values are. I'd like to ask that we all think about, as we try to do the right thing today, who do you think is teaching our children? Obviously the parents are very important, but the number one item we should be concerned about paying adequate wages to would be the teaching force. If you pay people what I'm seeing on this paper, this salary, it seems to me we're having a different view of values. You can have the finest buildings in the world. You can have the best busses to take the kids to school. You could even have laptop computers. You can have everything. I'm going to suggest to you that it would be very hard to attract and retain teachers, particularly in the rural areas of our state. Not very long ago we debated the labor market area. Many of you were lamenting the fact that not enough money was going into these small rural schools. Should we pass this bill today that is exactly where the money from the state is going to be going. I probably shouldn't be talking about that very much because from districts that pay more and don't get as much from the state won't be as thrilled about that. The money will be going to these towns.

I want to talk to you for just a few minutes, and I really apologize for taking your time but it is very important, about the last time the state decided that there would be a minimum teacher's salary of \$15,500, even I wasn't here then because I had stepped out for a while, was in 1987. That might sound pathetically low, but if you adjust it for inflation it gets up to \$20,000. Believe it or not, in state right now 62 of the 127 districts will be paying less than this adjustment for inflation. A person with a BA degree has a minimum salary in Charlotte of \$21,538; Caswell is \$21,200; SAD 14 in Danforth is \$22,279; SAD 70 in Hodgdon is \$22,477; Machias is \$22,477; and Southern Aroostook is \$23,000. This list goes on and it just rings all kinds of alarm bell to me. Very recently we heard about young people who can't pursue their dreams of teaching or social work or any of the traditional women's occupations because we can no longer say that your husband or somebody else can support you. You obviously have to make livable wages yourself. Think about the staggering amount of loans that kids are coming out of colleges with. Could you support yourself and pay back a loan on \$23,000 or \$24,000. I would suggest that you probably couldn't.

A few fact that are important to think about. The workforce in Maine is aging. The largest population age band for K-12 teachers is the 50 - 55 year old band. Second largest is 56 - 60. Retirements increased by 59% from 2003 to 2004. This is the saddest statistic: 44.4% of the teachers surveyed said if they were back in college they might reconsider their choice. Obviously it isn't all just about salaries because teachers teach because they love the kids. For no amount of money could you pay some people to go into a classroom and spend their every waking moment thinking how best to teach these young people and to bring them forward.

For my business-minded folks in this room, I'm going to share with you an Ann Quinlan article from Newsweek for a moment. This goes back to a November 2005 issue when Ann

Quinlan herself spent a day in a New Jersey classroom and was amazed at what people had to go through to try to teach the young people. This is what struck her. According to the Department of Education one in every five teachers leaves after the first year and almost twice as many leave within three. If any business had that rate of turnover someone would do something smart and strategic to fix it. This isn't any business, it's the most important business around. They are the gardeners of the landscape of the human race.

The final thing, if I could, and forgive my English teacher bent. I've waited a long time and I appreciate your hearing me out. In recent years teacher's salaries have grown, if they have grown at all, at a far slower rate than those of other professions, often lagging behind inflation yet teachers should have the most powerful groups of advocates in the nation. Guess what? We're not talking about unions. Of course, they are advocates, but it should be the parents and all of you former students. You should be the advocates for those teachers who brought you where you are as we sit here today. You may have read 'Angela's Ashes' and you may know that this gentleman also, Frank McCourt, was a teacher. As he left it, at the end of his book, McCourt, who is preparing to leave teaching with the idea of living off his pension and maybe writing, as you know 'Angela's Ashes' will win a Pulitzer, he's giving advice to his young substitute. 'You will never know what you've done to or for the hundreds coming and going,' he says, 'Ya, but the hundreds know, the hundreds who are millions who are us. They made us, we owe them.' I think this is truly a watershed moment for Senators of both parties in the State of Maine. It is time to vote in a positive motion to say that our teachers are some of the most important people contributing to the success of the state of Maine today. We can talk about economic development until the cows come home. Sorry, Senator Nutting. We can talk about all the things that really matter to us as we move Maine forward. The bottom line is you need good quality teachers and you need to tell them that you appreciate them. I would urge you to vote for the Majority Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Andrews.

Senator ANDREWS: Thank you, Madame President and fellow Senate members. I'm going to ask you to vote against this bill because I think in actuality it could have a detrimental effect on educating our children. The good Senator from Cumberland, Senator Turner, talked about the tail that is going to be passed on for the teachers that are above that starting level. You all know we passed L.D. 1 and that means if you are going to go over your budget over a certain percentage you must go back and ask the voters. A number of years ago in York the voters turned down a large increase that would have gone for teachers' salaries. That cost the loss of 24 teacher positions. If you go with the increased salary, the contracts coming down go for the increased wages for all the levels up. If the citizens do not support that increase, that over ride, and that increase in the cap, the schools are going to have no alternative than to decrease the number of teachers in order to pay what they can. There are really long-range ramifications of this bill.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS**: Thank you, Madame President, men and women of the Senate. My perspective on this is primarily from one from the financial side, the budget or whatever. It is somewhat disturbing to me that this came in as part of the budget at a time when we're all preparing for re-election. A few minutes ago we were just admonished not to make decisions based on political measures. I would suggest to you that this is very much a political measure. One designed to appeal to a certain group of people. It was my good fortune to be on a school board in 1984. I might disagree with the Senate Chair of the Education Committee as to the year. Perhaps 1987 was the year that the benefit was first obtained for teachers. We were part of a district that didn't pay their teachers very well. It did have a beneficial effect in slowly bringing that particular district's salaries up.

I believe today's decision is not about the salaries. It's about who makes the decision about the salaries. That is what this is about. I happen to believe in local control, especially on education. I think that has worked and has served us very well for a number of years. Certainly, if somebody else is setting your teachers' salaries you don't have much local control over education. There is not much left. The school lunch program, what you are going to serve for lunch. If somebody else is setting your salaries then why bother to come to the meetings. I guess that disturbs me the most about this.

It is true. Everything that has been said today by the Senator from Kennebec, Senator Mitchell, about teaching is true. Something more should be done. We should value these people more, but at whose expense? Who's to make that decision? That is what this is all about. I object to us doing it here. I don't think it's the right place to do it. I think the best decisions are done here. Besides that, we're not paying for it for very long. We're giving a token payment to this. Even in 1984 we paid for it for a few years in two or three different methods. I ask, and just perhaps more of a reminder myself, have we made some serious mistakes that we are seeing the price of right now? Look at how we treat teachers and school employees as far as their pensions go. The state is paying that cost. Look at what we're doing for healthcare costs for retired teachers. We're paying that. I would suggest that this is a big mistake we made a number of years ago. We've taken the responsibility of those payments away from the municipality that was supposed to control the schools and we're trying to do it up here. The folks that should bear the burden or the responsibility for that don't care about it anymore because somebody else is paying the bill and we're stuck with a problem. I would suggest that this is the wrong thing to do at the wrong time. We're not paying for it. Besides that, I represent a bunch of municipalities that haven't seen the benefits of L.D. 1 yet. They will see the benefits of this all right. The down side is that it's going to cost them more to pay for their teachers. Where the benefit of L.D. 1 went we could talk about all day long. There will be no benefit to them. Their property taxes haven't gone down. It's going to go up because of this. I would urge that you vote against it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I know teachers made a huge difference in my life. I think probably most Senators here would say that. I've struggled with this issue. My concern is that EPS, our new formula in effect, in my opinion, locks in low teacher pay

in the property poor areas because you are reimbursed based on what you actually pay. If you look at the list of what each school is paying teachers now and the three SADs, SAD 31 Howland, SAD 29 Houlton, and SAD 70 Hodgdon, those SADs are paying the least amount per starting teacher. Yet those three SADs have the highest number of actual mills raised for education of any SAD in the state, all over 16 mills. My concern is for those areas because they haven't got any money from EPS and they have very low property valuation per student. It's the creep, so to speak, of the other salaries in those areas that might end up on the local property tax. That's my concern. On the other hand I've had numerous teachers in their first or second year call me and say, 'I went to college, graduated, got my degree, and I'm teaching. Should I be able to afford a house?' I'd like to say yes, but I know they can't at the current rate of pay.

As I've struggled with this, last week I kind of mapped out my own personal strategy. I'm going to be supporting this bill this year but only because I've already been to the revisor's office, and Madame President I checked to make sure this was legal, I've already filed a bill for next session to totally do away and eliminate the EPS formula because it is leading to inequities. I believe next year we can fix that formula so that these schools with low teacher pay and low valuations per students are going to begin again, as they did the previous few years, to receive more school funding money so that the creep doesn't end up on the local property tax. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW**: Thank you, Madame President. May I pose a couple of questions through the Chair to anyone who can answer?

THE PRESIDENT: The Senator may pose his questions.

Senator **DOW**: Thank you, Madame President. I notice that the starting date is June 30, 2006. Many districts are now going through salary negotiations. Some have completed them already. How would this starting effect those negotiations? The \$30,000 amount goes two to four steps up in the pay scale ladder in many districts. How are these districts supposed to rectify this problem?

THE PRESIDENT: The Senator from Lincoln, Senator Dow poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL**: Thank you, Madame President and colleagues in the Senate. I will try to answer the question. If I leave out something I trust that the good Senator will ask again. The question is, how will this work for this coming school year? I'm a bit in a box here because what I want to offer you is an amendment to the committee amendment with different things on it. We're not there yet. I will say this, were the \$30,000 going to be the number that we're talking about as the bill and the report talks about, let's say that you have four teachers making \$29,000 in your school. Your unit would receive \$4,000 to give each of those teachers another \$1,000.

While I'm on my feet, the amendment versus the report, this payment is intended to go on for these teachers forever. That is

the plan. It's a modest amount of money really because, fortunately, many of your schools, including the good Senator from Lincoln, Senator Dow's area, will not even be effected by it because his people have been paid already.

One final thing, I don't know about you, and I tried to tell you, but the advocate should not be just the union. Yes, they are advocates. Why shouldn't they be, that's their job. It should be the parents. It should be all of you. Frankly, I don't know what party half the teachers are in my district. The ones that came before the Appropriations Committee told stories where party affiliation knows no bounds in terms of repaying student loans or buying a house. I do respect that, but I want you to understand this funded for these people. What you are concerned about, as the good Senator from Cumberland, Senator Turner, is what happens to people above the minimum. The minimum itself is funded. It's those above it that you've concerned about, which is a local control bargaining issue. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. Fools rush in where angels fear to tread. Yes, I am a teacher. I wasn't going to say anything on this. By the way, I'm the fool in this case because I decided to stand up and speak. With 20 plus years teaching this is not an issue for me. In my first marriage my husband was a teacher. His first contract was for \$8,000. Yes, I am old. Not quite as old as a retired teacher in this chamber as of last year.

I want to talk a little bit about how do you say to a teacher at 22 years old that they've gone four years to school, and in many cases if they have not gone to the Land Grant College, it will cost them more per year to go to college than we are going to give them to work. That's hard. I've also stood in this chamber and I've listened over and over again to both sides of the aisle saying that what we need is more higher paying jobs. I submit to you that there are an awful lot of teachers, and people who are in college planning to become teachers, who are in college planning to come back to Maine. Not brain drain. They want to stay here. They want to teach here.

Many in this chamber have law degrees. Last time I looked that's running about \$30,000 to \$50,000 for undergraduate school. I know, I had a son that graduated. Wesleyan has much of my money. It's paid off. Believe me, he doesn't look at \$30,000 jobs. I also know that four years ago I stood in the other chamber and I listened to how we had a teacher shortage. You know how we decided to fix it? We lowered the standards. We're going to make it easier to be able to become a teacher. Amazing. Just go to the lowest common denominator. That's how lawmakers fix concerns? I would again admonish people not to make a political decision. This is about fairness. Do teachers deserve a decent pay? You all, every single speaker who has stood up, have said teachers don't get paid enough. You found a way to rationalize continuing to not pay them enough. I was thinking I might go into my doctor the next time and say, 'You know what, you make too much money. I think I'm not going to pay you what you think you are worth.' That is the message you are sending to teachers.

We never voted, except I do remember with the good Senator from York, Senator Nass, having a discussion over the laptops. I was one who stood up and said that if we were not going to put anything on the payment problem, how would we

funding the laptops? Well that was endowment and we never really got a chance to vote laptops up or down. They were just thrown at us. I want to tell you, it's no fun planning a lesson on laptops and that one little port tries to bring up 28 students and three of your computers crash. One kid has a computer that is broken and the other ones have forgotten them and I have no extra laptops. We passed laptops okay.

I suggest that we get through this, we support it, and maybe we come to a compromise. It appears there is one on the horizon. I will tell you as a member of the Teachers' Association, which is a dreaded union, that you would be amazingly surprised at how many members are members of the party that I am not. Bills need to be paid. People go to college because we hear that if you have a college education you will make \$1 million more in the course of your career, unless you are a teacher in Maine because we will continue to pay you less. We know you are worth more, but these are hard times. Having been a teacher for 20 plus years, and it was a second career for me, I have been through good times and bad times. Every time I hear that in good times we really need to spend the money on the buildings and things because when the times were bad we took away money. Of course we also hear that in good times and in bad times we can't afford to pay teachers. I'm just wondering when is teacher salary time? It's not during the good times. It's not during the bad times. You have a chance here to come up with a compromise, but we have to get through this first. I'm about compromise, as think our good leader knows. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President and ladies and gentlemen of the Senate. I don't think there is anyone in this chamber that doesn't agree that teacher's salaries, especially beginning teachers, are too low. Everybody does. The real issue, to me, is who is going to pay for this and are we making a mandate, of a much larger sum than we might be suspecting, onto local school boards who might not be able to handle this? What we are going to end up is exactly what the good Senator from York, Senator Andrews, said, the loss of jobs. I did a little inquiry with my superintendents. My superintendents and school boards are not opposed. They are friends of teachers. They would like to see their teachers paid more, probably more than almost anybody in their districts. I asked them, 'Is this what you want? Do you want this bill?' They unanimously told me 'no'. Here's the impact. SAD 61 is one of the hardest hit districts by EPS in this state. Thanks to the good efforts of the Education Committee and the Senator from Kennebec, Senator Mitchell, we got some of that money back. They are still going to be receiving \$250,000 less next year than they received last year from state funding. As a member of a school board, I've negotiated teacher contracts a number of times. I'll tell you exactly the way it goes. You start off with a base and then you have an increment above that. It's all built on a ladder. You negotiate the base and then you negotiate what the increments are going to be, whether it's \$700, \$800, or \$900 between steps. It just flows through. Maybe in the first year the cost to a district is only \$15,000, \$30,000, or \$100,000 to bring those under \$30,000 up to \$30,000. Within a year or two that district is going face negotiations. I can almost guarantee you that the teachers' union, as they rightly should, will start with that \$30,000 number, or something slightly higher, as their base. They will not concede how big the increment should

be in between and they will demand, as their bargaining position, that they move it up to \$30,000 and then keep at least the same increment.

I asked SAD 61 what that would mean to them, if their whole salary scale was moved to a \$30,000 base and kept the same increments in the scale. It is now below \$30,000. It's going to cost them \$599,000. I asked that question of SAD 17 in Oxford Hills. If the same things happened to them and they just increased their base to \$30,000, kept the same increments, and plugged it into the scale it would cost them \$1,300,000. Those school boards, those superintendents, are friends of education, but they are already struggling to have their budgets approved by the local voters because they are exceeding their EPS number and having to ask for more just to fund what they are doing now. If the Lakes Region District has to come up with another \$600,000, perhaps half of that would be funded by the state in our funding, they would have to go to the local voters for this on top of what they are already asking for in excess. In Oxford Hills it's a much larger number, \$650,000. They are extremely concerned that the voters will not allow them to do this. The taxpayers are going to reject their budgets and they are going to have to do exactly what the good Senator from York, Senator Andrews, indicated. They are going to have to do the only thing you can do to reduce a school budget, they are going to have to lay people off.

We are interjecting ourselves into labor negotiations for salary scales that we're not paying for. Paying for it the first year is only the tip of the iceberg. As these contracts come due and they renegotiate, the numbers will be huge, in the multi-millions of dollars. I'm concerned that the backlash of this will end up in teachers being laid off. I have struggled with this too, but I've come to the conclusion that I should vote against this bill for those reasons. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I find this an extraordinarily difficult issue. On a gut level, I want to do it. Wouldn't most of us? There is no question that teaching is perhaps the most honorable of all of life's endeavors. There is no question that teachers deserve to be well compensated. I am the son of a teacher. My mother taught in the public schools in Washington County for 38 years. I saw first hand the hard work. I can remember her sitting at our kitchen table correcting papers and preparing lesson plans. She worked hard. I know it takes dedication and I know that it takes a special kind of love because she loved the kids that she taught all through her years. She still does and they still love her. I appreciate I think as much as anybody can the tremendous value of teachers. I also appreciate the expression of concern by the good Senator from Kennebec, Senator Mitchell, for rural schools and rural teachers. Yes, this legislation would, over time, result in an increase in the amount of funding that many of our rural school districts would receive under EPS but at a huge cost. Imagine the impact of these step increases up the scale. You are not going to come in and say to a new teacher that you are going to pay them \$30,000 without repercussions all up the scale for teachers who have more experience. Imagine the impact of that on the locally borne share of costs on these school districts, especially in the rural areas. Our taxpayers in these rural areas, by and large, are

lower income and they are already struggling to maintain their schools.

Bear in mind those taxpayers in the Machias area that the Senator from Kennebec, Senator Mitchell, mentioned. They have a median income that is less than half that of Cumberland and York Counties, \$11,000 less than the statewide average. Poverty rates are 60% to 70% higher. They do struggle and they are struggling. They are committed to their schools, but how many places where low-income populations are already struggling to maintain their schools might not be able to meet this new threshold. Do you want to impose school consolidation on the people of rural Maine? Do you want to close down community schools that are the heart and soul of a town? Do you want to exacerbate and inflame the two Maine syndrome? Then this bill is for you because you will accomplish all of that. If your concern is for the teachers in these rural and low-income areas that are struggling, you will not, in the final analysis, help the people you purport to be concerned about because many of them will lose the jobs they love. I cannot support this bill. I do believe it is well intentioned and has honorable intentions, but I believe the consequences of it could be devastating for many of our schools and communities in rural Maine.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. I had not intended to speak to you, good colleagues, this evening about this bill, but there are some things that have been said that I do feel strongly that need to be discussed further. First of all, I don't believe by supporting this bill that you are also supporting school consolidation. I think that is ridiculous. You are showing your support for educators. When I've gone around throughout my district often times, and these are people who are not teachers, people are asking me why we are not paying teachers more money. Yes, there are going to be financial repercussions, but we're all chipping in. I would submit that if you are that passionate about teachers and teachers' salaries then the next biennium, when we come back here, we should be supporting a bill that will help communities fund educators' salaries more appropriately because I am tired of hearing people talk a lot about supporting educators but then not anteing up.

I remember when I was interviewed by the Maine Teachers' Association. They asked me if I would support a \$30,000 annual starting salary. I said, '\$30,000, I'd support \$40,000.' I would like the State of Maine to kick that in. I do think that if we want good educating people to come forward to go into those professions we have got to start paying for it. Yes, it is going to cost us all. There is no question about it. When people have called me, angry that I would support such a move, I would tell them that it's the most important person in their child's life. They spend more time with the children than the parents do. The teachers and the educators spend more waking hours with children than the parents. These people are crucial to bringing education to our youth. They are crucial to the future success of this state and we have got to stop talking the talk. We've got to walk it and we need to start supporting our educators. This is one step in that direction of doing so. We've got to support it and I think that it is horrible if we don't support it. Thank you very much, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to confess to you that I've been sitting here with my mind on something other than teachers' salaries. Listening to the debate, it brings me back 20 years or more when I had gone into that noble profession of teaching. As I listened to the concerns that have been expressed today, the concerns about the cost of paying our teachers, the concerns about loss of our local control, the concerns about what effect it's going to have on our schools, I can't help but think about the importance of education. In the importance of education is the importance of our teachers. We've talked often about education as being a key component to our economic development, as I might suggest transportation is. We have recognized the importance of education in those economic terms, but I would submit to you and ask you to consider education being a cornerstone of our national security. Our form of government, democracy, is, has been, and probably always be under some form of attack by people who don't understand it, by people who want to subvert it, and by people for all kinds of reasons. It is so vulnerable to attack because it is such a complex form of government. One of the reasons why it is complex and fragile is because it relies so heavily on an informed populist, a populist that is able to take in information, to assimilate it, and to make an informed judgment. That just doesn't happen naturally. I submit to you that it happens as much as it does, and in my opinion not as much as it should, because of teachers, perhaps the backbone of our national security.

As I get to thinking about the discussions that we've had just recently on this bill it takes me back, as I said, to the point when I was negotiating for the teachers in my school and then after I left teaching for a couple of years I was actually negotiating for teachers in other schools. It is absolutely correct that the expense that is involved for paying the teacher is difficult to come by. It is curious to me that back then, from the other side of the table, as adversarial sides, we had the side that my good friend and colleague from Oxford, Senator Hastings, may have sat on and the side that I sat on, the management side and the labor side. It was suggested to me, and to my side of the table, that we needed to increase the base pay of those teachers to get them to come to our area of Maine. That side of the table then recognized how important it was to get good young teachers into our schools. The proposal they came up with was not to take those steps that may ranged up to 10 at that point and simply move them all up by raising the base, but it was to raise the base and compress those steps because we couldn't afford all of the money that it cost to bring everybody up with that rising tide. We recognized that it was important to bring good young teachers into our schools. We couldn't do it by taking a pay cut, but we agreed to do it because we agreed to less of a step increase and we agreed to combine steps so that we could afford this. It was a good idea then. It may be a good idea now. Very prophetically, and very correctly, I think that you have made, in many cases, the argument that we can't afford to move that whole scale up. Would that we could, because each one of them deserves it. Realistically, we can't, but there ought to be a way that we can adjust this for these students, those graduates, those dedicated young professionals who want to start on that course that is sparking their interior, their soul, and their heart. We ought to be able to at least pay them a wage that in this day and age is not

unsubstantiated and not out of line. Unfortunately, I think that we recognize too well a teacher's passion, and a teacher's excitement about having that light bulb come on in that student or having that student say to them in later years that they were the reason why they went on to college when the rest of their family didn't, and that they were the reason why they did this or they did that. Those are the reasons, in many cases, that keep us going as teachers. Don't exploit that reward any more. Work to do what we can do to bring that base pay, I believe in two increments, up to the \$30,000 minimum. Let's make that work. I'll be supporting them. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-577). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#455)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator MITCHELL of Kennebec to **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577), PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-577) **READ.**

On motion by Senator MITCHELL of Kennebec, Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. A very brief explanation. This amendment, if adopted, would move the \$30,000 to \$27,000 for this coming school year. The money is in the budget under the learning assessment. The money is in the budget to pay for the \$27,000 so every district that needs that difference in financing will get it from the state forevermore. In year two it goes to \$30,000. That is the rest of the difference. It is a phased in thing. We can't obviously see into the future, but we have set in the

legislature that it is the intent that the state will continue to fund this piece. I will not draw this out any longer. My sterling oratory didn't change a single vote in this Body, but I do appreciate your letting me speak to you about my passion. I appreciate the heartfelt concerns that those of you who share a different point of view had. I appreciate the level of the debate. I think it's very healthy. I am reminded of the ink blot test where we are all seeing in this what we'd like to see. For my friends who are very concerned about the poor areas of the state and the consolidations, all of this money actually goes into the high receiving communities. It is the thing I spoke to you about that would move up into this, whether it is the EPS formula or the new formula that the Senator from Androscoggin, Senator Nutting, is going to devise. It will be going to those communities to help them get on that playing field so that they can also pay their teachers. The other things I would mention, as we worry about L.D. 1 and property taxes, the state is now committed to paying 55% of the cost of education. I say that it is time for us to say that our values are, as we are paying the 55%, paying our teachers. Maybe some of these superintendents, with all due respect, that were telling you how much it was going to cost them should look at their own salaries because there is a huge discrepancy between superintendent salaries and people making \$23,000. Having said that, I appreciate the kindness of this body in listening to this very serious issue. Wherever you come down, I know that you are all voting in a way that you believe makes most sense. I do encourage the adoption of this amendment.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. Just a point of information, the good Senator from Kennebec, Senator Mitchell, talked about how the state is committed to pay 55% of education. That's not true for every school district, so that needs to be clarified. There are many school districts that do not get 55% of their cost of education paid for. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I will also try to be brief. It's difficult enough to debate the good Senator from Kennebec, Senator Mitchell, but when she brings Frank McCourt into the discussion it makes it even more difficult. I'm going to ask you to oppose this motion as well. The poison is still there, it just comes in more slowly. Parenthetically, the comments made by the good Senator from Kennebec, Senator Mitchell, with respect to 55%, that is 55% of the requirement to meet the Learning Results. We have many districts that spend above that and hopefully they get their money's worth. I think that perhaps they do. Certainly that is the case in my Senate district. Again, I would ask you to oppose the motion that is before us. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Mitchell to

Adopt Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#456)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MITCHELL** of Kennebec to **ADOPT** Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577), **PREVAILED**.

Committee Amendment "A" (S-577) as Amended by Senate Amendment "A" (S-620) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/12/06) Assigned matter:

Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists"

H.P. 1262 L.D. 1822

Tabled - April 12, 2006, by Senator **DAVIS** of Piscataquis

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-592) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto, in **NON-CONCURRENCE**

(In House, April 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822).**)

Committee Amendment "A" (S-575) as Amended by House Amendment "D" (H-1066) and Senate Amendment "B" (S-651) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENT "D" (H-1066) AND SENATE AMENDMENT "B" (S-651) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act To Update Teachers' Minimum Salaries
S.P. 480 ~~L.D. 1381~~
(S "A" S-620 to C "A" S-577)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President and men and women of the Senate. I actually intended to stand and ask a question, but I've already answered that question. I will leave the Body with this thought; we have not yet fulfilled that long awaited promise of 55% funding that was the intent of this legislature for many years. That promise is still unfulfilled. If you vote in favor of this motion tonight, that promise is still unfulfilled. If you will look at the amendment you will read, 'As amended this bill provides that it is the intention of this legislature to fund this in 2007 - 2008.' That is an echo of an unfulfilled promise. This legislature cannot bind the 123rd. We are creating an echo of an unfulfilled promise. I really do not want to be a part of that. Thank you.

Senator **RAYE** of Washington posed a parliamentary inquiry as to whether this Bill required a Mandate Preamble.

The Chair informed the Members that the bill, as engrossed, was determined by the Office of Fiscal and Policy Analysis to not require a Mandate Preamble.

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I'd like to address a question through the Chair to who ever would be able to answer it.

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE:** Thank you, Madame President. If the bill before is not a mandate, is it fair to characterize it as really a suggestion?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues of the Senate. I suppose one can characterize it however they wish. I would certainly say it is much more than a suggestion. It is the law. We're passing a law that says this is the minimum salary base for teachers. If the question then carries over into payment, there is money in the budget for this year's payment. There is expression of legislative intent that this money will carry forward just for this specific purpose for the next year. Obviously we cannot bind a future legislature and there will be others here next year to make sure that this happens, I hope. That's true of everything we're passing in this Body, whether it is EPS or your Boat Building School. With all of those things nothing is guaranteed into the next session. There is language in the bill, it is the intent that the money just for this narrow piece, whatever it requires to get a teacher from whatever the base is now to \$27,000 is paid for and the distance to \$30,000 is the legislative intent.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#469)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senator: BROMLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.