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Resolve
123rd Legislature
Second Regular Session

Chapter 187
H.P. 1501 - L.D. 2121

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Adoption. Resolved: That final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a provisionally adopted major substantive rule of the Department of Education and the State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. Financial certificate. The portion of Part II of the rule designated as Section 5.1 Certificate 038: Financial Services Manager is not authorized for final adoption; and

2. Early Childhood Teacher. The portion of Part II of the rule designated as Section 1.16 Endorsement 081: Early Childhood Teacher is amended to establish eligibility for that endorsement for any person who was employed as a teacher in a prekindergarten or kindergarten to 3rd grade program in the State at any time between February 1, 2007 and February 1, 2008.

The Department of Education and the State Board of Education are not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this resolve.

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

Effective April 8, 2008.