

MAINE

OVERALL RANK: 22ND¹
TIER 3 (AVERAGE)

STRONGER WEAKER

OVERALL			22		
1. RESOURCES AND MEMBERSHIP			20		
2. INVOLVEMENT IN POLITICS					44
3. SCOPE OF BARGAINING		16			
4. STATE POLICIES	7				
5. PERCEIVED INFLUENCE		11			

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 20TH

The state teacher unions in Maine see somewhat substantial resources. 77.1 percent of Maine teachers are union members, the 25th-highest unionization rate of 51 jurisdictions. The state-level NEA and AFT affiliates generate annual revenue of \$621 per teacher in the state (11th). In addition, teachers see considerable resources dedicated to K-12 education: The state ranks 7th in annual per-pupil spending (\$14,591), and 54.0 percent of education expenditures go to teacher salaries and benefits (25th).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 44TH

In the past decade, Maine’s teacher unions have not shown much of a financial presence during elections. Their donations amounted to a mere 0.02 percent of total contributions to candidates for state office, and accounted for just 0.03 percent of the contributions to candidates from the top ten highest-giving sectors (unions in no other state gave a smaller percent on either measure). The teacher unions gave comparatively more to state political parties (1.1 percent of donations to parties came from unions; 23rd). Raising Maine’s ranking in this area are its delegates to the Democratic and Republican conventions—11.1 percent identified as teacher union members (33rd).³

*AREA 3: SCOPE OF BARGAINING
16TH*

Maine is one of thirty-two states that require collective bargaining, and its laws permit a wider scope of bargaining than most. Of the twenty-one items examined in this metric, four must be bargained in Maine: wages, hours, terms and conditions of employment, and grievance procedures. Bargaining over the remaining seventeen is implicitly permitted since they are not addressed by state law. While teacher strikes are prohibited, unions are allowed to automatically deduct agency fees from the wages of non-member teachers, an important source of the high revenue reflected in Area 1.

*AREA 4: STATE POLICIES
TIED FOR 7TH*

At the time we calculated our data, Maine policies were more aligned with traditional union interests than in nearly every other state. As recently as March 2012, the state did not support performance pay, there were no articulated consequences for unsatisfactory teacher evaluations, and neither teacher evaluations nor teacher tenure decisions needed to take student achievement into account. (Maine, however, is one example of many where the policy environment is rapidly changing. In April 2012 the state approved, though it has yet to implement, a student-achievement-based evaluation system. It also decreased the pre-tenure probationary period from three to two years, although the change occurred after we concluded our calculations.) While unions typically oppose the expansion of charter schools, the state made them legal in 2011. Still, that legislation attends to some union interests. Though charters are automatically exempt from many state laws and district

regulations, they must follow state teacher certification requirements and cannot apply for exemptions. Similarly, while charters are exempted from district-union contracts, employees at a school may opt to bargain collectively.

*AREA 5: PERCEIVED INFLUENCE
TIED FOR 11TH*

Maine stakeholders report that their teacher unions are strong, but perhaps not as strong as they used to be. Survey respondents rank teacher unions, along with the state association of school administrators, as the most influential entity in shaping education policy. They report that the unions are highly effective in fending off education proposals with which they disagree and (in a time of budgetary constraint) are successful in protecting dollars for education. However, respondents also indicate that policies proposed by the governor and enacted in the latest legislative session (which include the charter law referenced in Area 4) were not in line with teacher union priorities.⁴

*OVERALL
22ND*

Despite their significant financial resources, Maine teacher unions are not particularly active donors to state politics and they've recently lost some key battles. However, they enjoy a strong reputation and many state policies still align with union interests.

Despite the shift in Maine politics in 2010 that gave Republicans control of both houses and the governorship, the Maine Education Association (MEA) has seen a number of potentially devastating bills land far from the mark.⁵ The union blocked Governor Paul LePage's proposal to end collective bargaining for public employees and his push for right-to-work laws.^{6,7} Budget cuts did land a jab, however: the state cut cost-of-living adjustments for the pensions of retired teachers (as of August 2012, a lawsuit supported by the MEA is pending) and the union ultimately couldn't prevent a measure that allows local school districts to seek less expensive health plans for current employees.⁸ Legislators also increased the pre-tenure probationary period for teachers from two years to three, the national norm, and passed a bill legalizing charter schools (Maine previously had no such thing).⁹ Yet the law limits the number of charters and their enrollment, and charter teachers are allowed to bargain collectively—alleviating a major point of conflict between charter supporters and unions.¹⁰

So far, 2012 is shaping up to be an equally mixed bag for the MEA. Sponsored by Governor LePage in anticipation of the state's NCLB waiver request, LD 1858 required that teachers be evaluated on student learning (among other criteria), and after two years of ineffective ratings teachers would be eligible for dismissal. The union objected, not to the use of student data (a requirement for the waiver) but to evaluations that could potentially be based entirely on standardized test scores and developed without teacher input. "Ninety-five percent of it, we can completely embrace," said John Kosinski of the MEA.¹¹ With amendments that ensured due process for fired teachers, and left the details of data use to the discretion of the districts and their local unions, the bill passed in April 2012.¹² Despite the compromise, Governor LePage seems set on limiting or eliminating collective bargaining for public employees, and the MEA may soon see the gloves come completely off.¹³

MAINE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 22ND			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 20*	Membership	By rank, what percentage of public-school teachers in the state are union members?	25th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	11th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	33rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	7th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	25th
AREA 2: INVOLVEMENT IN POLITICS 44*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	50th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	23rd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	50th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	33rd
AREA 3: SCOPE OF BARGAINING 16	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 7*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	6th
	Evaluations ^c	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment ^c	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	44th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 7* (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes; Teachers at each school can choose to bargain collectively

AREA 5: PERCEIVED INFLUENCE^d 11*	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

* Tied with another state

^a Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Maine has the 25th-highest percentage of teachers who are union members. Otherwise, we report a status: Maine has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

^c See Area 4, above, and sidebar.

^d For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Maine are shown in the table, *Maine Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Maine is ranked 20th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

² Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

³ At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

⁴ We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

⁵ "Leadership Matters," *Bangor Daily News*, July 22, 2011, <http://bangordailynews.com/2011/07/22/opinion/leadership-matters/>.

⁶ Abby Rapoport, "The Union Fight You Might Not Have Been Watching," *American Prospect*, June 7, 2012, <http://prospect.org/article/union-fight-you-might-not-have-been-watching>.

⁷ "Hard Realities, Some Good News," Maine Education Association, accessed June 28, 2012, <http://www.maineeducationassociation.org/home/875.htm>.

⁸ "125th Maine Legislature Wreaks Havoc," Maine Education Association, accessed June 28, 2012, <http://www.maine.nea.org/home/1245.htm>.

⁹ Harry R. Pringle, "Legislature Increases Probationary Period To Three years," School Law Advisory, <http://www.schoollaw.com/html/pdf/687.pdf>.

¹⁰ "Charter School Laws Across The States 2012," Center for Education Reform, April 2012, http://www.edreform.com/wp-content/uploads/2012/04/CER_2012_Charter_Laws.pdf.

¹¹ Susan McMillan, "Teacher Evaluations: Differences About Appealing Dismissals Key," *Kennebec Journal*, March 15, 2012, http://www.kjonline.com/news/differences-about-appealing-dismissals-key_2012-03-14.html.

¹² Eric Russell, "Committee Approves System For Evaluating Maine's Teachers," *Bangor Daily News*, March 21, 2012, <http://bangordailynews.com/2012/03/21/politics/teacher-evaluation-bill-takes-strange-turn-in-committee/>.

¹³ Rapoport.