

# MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 544

S.P. 177

In Senate, February 2, 1983

Received by the Secretary of the Senate on February 2, 1983. Referred to the Committee on Labor, and ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Hayes of Penobscot.

Cosponsor: Representative Baker of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

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AN ACT to Provide for the Negotiation  
of Seniority Provisions.

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

Whereas, at present there are no provisions for negotiation of seniority provisions between public employers of teachers and bargaining agents representing teachers; and

Whereas, these provisions for negotiation of seniority, layoff, recall and impact on working conditions are urgently needed; 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

1 legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

6 Sec. 1. 20 MRSA §161, sub-§5, as amended by PL 1977, c. 580, §§16 and 17, is further amended to read:

9 5. Shall nominate teachers; election to be approved by committee; probationary period; teachers may be elected under contract. He shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school committee or school directors shall make, and upon the approval of nominations by ~~said~~ the committee or directors, he may employ teachers so nominated and approved for such terms as he may deem proper, subject to the approval of the school committee or school directors. After a probationary period of not to exceed 2 years, subsequent contracts of duly certified teachers shall be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years although the right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. Just cause for dismissal or nonrenewal may be a negotiable item in accordance with the procedure set forth in Title 26, ~~e-~~ chapter 9-A, for teachers who have served beyond the probationary period. After a probationary period of 2 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school committee or governing board. He may request reasons. The hearing shall be private except by mutual consent and except that either or both parties may be represented by counsel. ~~Such~~ This hearing must be granted within 30 days of the receipt of the teacher's request.

1 The right to terminate a contract, after due notice  
2 of 90 days, is reserved to the school committee or  
3 school directors when changes in local conditions  
4 warrant the elimination of the teaching position for  
5 which the contract was made. Notwithstanding this  
6 paragraph, seniority, layoff, recall and impact on  
7 working conditions may be negotiable items in accor-  
8 dance with the procedure set forth in Title 26, chap-  
9 ter 9-A, for teachers. In case the superintendent of  
10 schools and the school committee or school directors  
11 fail to legally elect a teacher, the commissioner  
12 shall have authority to appoint a substitute teacher  
13 who shall serve until such the election is made.

14 Sec. 2. 20-A MRSA §13201, last ¶, as enacted by  
15 PL 1981, c. 693, §§5 and 8, is amended to read:

16 The right to terminate a contract, after due  
17 notice of 90 days, is reserved to the school commit-  
18 tee or school directors when changes in local condi-  
19 tions warrant the elimination of the teaching posi-  
20 tion for which the contract was made. Notwithstand-  
21 ing this paragraph, seniority, layoff, recall and  
22 impact on working conditions may be negotiable items  
23 in accordance with the procedures set forth in Title  
24 26, chapter 9-A, for teachers.

25 **Emergency clause.** In view of the emergency cited  
26 in the preamble, section 1 of this Act shall take  
27 effect when approved. Section 2 of this Act shall  
28 take effect July 1, 1983.

29 STATEMENT OF FACT

30 The purpose of this bill is to provide for the  
31 negotiation of seniority, layoff, recall and impact  
32 on working conditions between public employers of  
33 teachers and bargaining agents representing teachers.

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