

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 823

6  
7 S.P. 270

In Senate, February 18, 1983

8 Referred to the Committee on Education. Sent down for concurrence and  
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Pray of Penobscot.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Enable School Districts to  
18 Develop and Administer an Orderly Procedure  
19 for Filling Vacancies and Laying off Teachers.  
20

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

23 20-A MRSA §13201, as enacted by PL 1981, c. 693,  
24 §§5 and 8, is amended to read:

25 §13201. Nomination and election of teachers; teacher  
26 contracts

27 The superintendent shall nominate all teachers,  
28 subject to such regulations governing salaries and  
29 the qualifications of teachers as the school board  
30 shall make and, where teachers are represented by an  
31 exclusive bargaining agent, subject to such proce-  
32 dures and provisions established through collective  
33 bargaining as provided for in Title 26, chapter 9-A.

1 Upon the approval of nominations, by the school  
2 board, the superintendent may employ teachers so  
3 nominated and approved for such terms as the super-  
4 intendent may deem proper, subject to the approval of  
5 the school board. In case the superintendent of  
6 schools and the school committee or school directors  
7 fail to legally elect a teacher, the commissioner  
8 shall have the authority to appoint a substitute  
9 teacher who shall serve until ~~such~~ that election is  
10 made.

11 After a probationary period not to exceed 2  
12 years, subsequent contracts of duly certified teach-  
13 ers shall be for not less than 2 years. Unless a  
14 duly certified teacher receives written notice to the  
15 contrary at least 6 months before the terminal date  
16 of the contract, the contract shall be extended auto-  
17 matically for one year and similarly in subsequent  
18 years. The right to an extension for a longer period  
19 of time through a new contract is specifically  
20 reserved to the contracting parties.

21 Just cause for dismissal or nonrenewal ~~may~~ shall  
22 be a negotiable item in accordance with the procedure  
23 set forth in Title 26, chapter 9-A, for teachers who  
24 have served beyond the probationary period.

25 After a probationary period of 2 years, any  
26 teacher, who receives notice in accordance with this  
27 section that his contract is not going to be renewed,  
28 may during the 15 days following ~~such~~ that notifica-  
29 tion request a hearing with the school board. The  
30 teacher may request reasons. The hearing shall be  
31 private except by mutual consent and except that  
32 either or both parties may be represented by counsel.  
33 That hearing ~~must~~ shall be granted within 30 days of  
34 the receipt of the teacher's request.

35 The right to terminate a contract, after due  
36 notice of 90 days, is reserved to the school commit-  
37 tee or school directors when changes in local condi-  
38 tions warrant the elimination of the teaching posi-  
39 tion for which the contract was made, provided that,  
40 where the teachers are represented by an exclusive  
41 bargaining agent, that action or actions shall be  
42 subject to the procedures and provisions established  
43 through collective bargaining or provided for in

