

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2040  
6

7 H.P. 1550

House of Representatives, February 2, 1984

8 On Motion of Representative Beaulieu of Portland referred to the  
9 Committee on Labor.

Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Gauvreau of Lewiston.

Cosponsors: Senator Charette of Androscoggin, Representative Theriault  
of Fort Kent and Representative Bonney of Falmouth.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Clarify the Right of  
18 Municipalities to Establish a  
19 Probationary Period for Employees.  
20

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

23 30 MRSA §2256, as amended by PL 1979, c. 218, §2,  
24 is further amended to read:

25 §2256. Municipal functions

26 In addition to those offices and departments re-  
27 quired by general law, a municipality may provide, by  
28 ordinance, for the performance of all necessary mu-  
29 nicipal functions. Except where specifically provided  
30 by statute, municipal charter or municipal ordi-  
31 nance, the municipal officers shall appoint all  
32 town officials and employees required by general law,  
33 by municipal charter or by municipal ordinance and

1 may remove such officials and employees for cause,  
2 after notice and hearing. Except as specifically  
3 provided otherwise by charter or ordinance, any ref-  
4 erence to cause and hearing in this Title shall only  
5 apply to an employee who has completed a reasonable  
6 period of probation as established by the municipali-  
7 ty. Unless otherwise specified, the term of all mu-  
8 nicipal officials shall be one year.

9 STATEMENT OF FACT

10 This bill clarifies what is common practice in  
11 nearly every municipality in this State. A recent  
12 Superior Court decision interpreted existing law to  
13 preclude the ability of municipalities to establish  
14 probationary periods for certain employees. A proba-  
15 tionary period comprises the number of months that a  
16 new employee must work before he or she establishes  
17 permanent employment status. Such a period protects  
18 the rights of both the employee and the employer.  
19 This bill makes it clear that municipalities may es-  
20 tablish probationary periods if they desire.

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