

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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another person and leaves a child or children, the payment shall continue until such child or children die or reach the age of 18 years.

Effective September 23, 1983.

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## CHAPTER 147

H.P. 1043 - L.D. 1350

### AN ACT to Provide for the Negotiation of Seniority Provisions for Teachers.

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

Whereas, the Supreme Judicial Court of Maine, in the case of Paradis vs. S.A.D. #33 decided on June 7, 1982, and a subsequent decision of the Maine Labor Relations Board determined that the statute governing the elimination of teaching positions in public schools does not permit the negotiation of a strict seniority provision; and

Whereas, it is in the best interests of education to remove the uncertainties that exist as a result of this decision and to clarify the law relating to negotiation of seniority provisions between public school committees or directors and bargaining agents representing teachers; 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 enacted by the People of the State of Maine as follows:

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

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~~ The hearing must be granted within 30 days of the receipt of the teacher's request.

The right to terminate a contract, after due notice of 90 days, is reserved to the school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made. In case the superintendent of schools and the school committee or school directors fail to legally elect a teacher, the commissioner shall have authority to appoint a substitute teacher who shall serve until such that election is made. The order of layoff and recall shall be a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A, provided that in any negotiated agreement the criteria negotiated by the school committee or school directors and the bargaining agent to establish the order of layoff and recall may include, but shall not be limited to, seniority.

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

The right to terminate a contract, after due notice of 90 days, is reserved to the school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall shall be a negotiable item in accordance with the procedures set forth in Title 26,

chapter 9-A, provided that in any negotiated agreement, the criteria negotiated by the school committee or school directors and the bargaining agent to establish the order of layoff and recall may include, but shall not be limited to, seniority.

Sec. 3. Transition provision. Seniority provisions in existing collective bargaining agreements with teachers shall be considered legal and valid from the date of enactment of this new draft until the expiration of the individual bargaining agreements or until the effective date of this Act, whichever date occurs later.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except section 2 which will become effective July 1, 1983.

Effective April 15, 1983, unless otherwise indicated.

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## CHAPTER 148

H.P. 340 - L.D. 399

### AN ACT Relating to Unreasonable or Unjust Rent in Mobile Home Parks.

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

10 MRSA §1106 is amended to read:

§1106. Profiteering in rents

Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of a mobile home park lot or of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Effective September 23, 1983.

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