

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**THIRD SPECIAL SESSION**  
October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**  
October 16, 1992

**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 2, 1992 to July 14, 1993

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 13, 1993**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**1. Filing.** Any person who has been a victim of harassment, including a landlord acting on behalf of an aggrieved tenant, may seek relief by filing a sworn petition in an appropriate court alleging that harassment.

**Sec. 3. 5 MRSA §4654, sub-§2, ¶A**, as amended by PL 1989, c. 164, is further amended to read:

A. It appears clearly from a verified petition or an affidavit accompanying the petition that:

(1) Before the defendant or the defendant's attorney can be heard, the plaintiff may be in immediate and present danger of physical abuse from the defendant or is in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct or the plaintiff's rental property is in immediate and present danger of suffering substantial damage as a result of the defendant's actions;

(2) Either the plaintiff has or has not contacted any law enforcement officials concerning the alleged harassment; and

(3) The plaintiff has provided sufficient information to substantiate the alleged harassment;

**Sec. 4. 5 MRSA §4654, sub-§4, ¶¶C and D**, as enacted by PL 1987, c. 515, §1, are amended to read:

C. Entering the plaintiff's residence, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff; or

D. Taking, converting or damaging property in which the plaintiff may have a legal interest; or

**Sec. 5. 5 MRSA §4654, sub-§4, ¶E** is enacted to read:

E. In the case of rental property, damaging the plaintiff's property or threatening, assaulting, molesting, harassing or otherwise disturbing the peace of any aggrieved tenant.

**Sec. 6. 5 MRSA §4655, sub-§1, ¶¶B and C**, as enacted by PL 1987, c. 515, §1, are amended to read:

B. Directing the defendant to refrain from going on the premises of the plaintiff's residence, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

C. Directing the defendant to refrain from interference with or destruction of the plaintiff's property;

See title page for effective date.

## CHAPTER 200

### H.P. 316 - L.D. 404

#### An Act Concerning Teacher Certification

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

**Sec. 1. 20-A MRSA §13011, sub-§7** is enacted to read:

**7. Certification waiver.** Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department or its agents, the local support system or a regional support system; or

B. Demonstrates compliance with certification requirements by some means not anticipated in the certification rules.

An individual who is denied the issuance or renewal of a certificate for reasons outlined in paragraphs A and B may apply for a waiver to an appeals committee selected by the state board. The appeals committee must consist of 4 permanent members who serve for terms of 3 years, including one school administrator, one teacher or educational specialist, one faculty member from a teacher education program approved by the state board and one public member who is not, and never has been, a professional educator. For each case considered by the appeals committee, the state board shall select a 5th appeals committee member representing the professional specialty organization in the discipline or level under review.

The appeals committee shall review the application for a waiver and make a recommendation to the commissioner. Following a review of the application and recommendation, the commissioner shall make a final decision and provide a written justification for the decision.

The state board and the commissioner shall test and evaluate this certification waiver process and report their

findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1995.

**Sec. 2. 20-A MRSA §13017**, as enacted by PL 1983, c. 845, §4, is repealed.

**Sec. 3. 20-A MRSA §13017-A** is enacted to read:

**§13017-A. Professional certificate with experience**

Notwithstanding any other requirements of this chapter, a teacher or educational specialist who holds a provisional certificate, has taught for fewer than 2 years in this State under a provisional certificate and who has taught for a minimum of 2 years in the same content area may be awarded a professional certificate if recommended by the administrative unit's support system and if otherwise determined eligible by the commissioner.

See title page for effective date.

## CHAPTER 201

**H.P. 184 - L.D. 236**

### **An Act to Permit Children 5 Years of Age to Enter Grade One**

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

**Sec. 1. 20-A MRSA §5201, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is further amended to read:

**2. Minimum ages.** The following are minimum ages necessary for student enrollment in a school administrative unit.

~~A. A person who will be at least 6 years old on October 15th of the school year may enroll in grade one.~~

~~B. A person who will be at least 5 years old on October 15th of the school year may enroll in a one-year kindergarten if it is offered school.~~

C. A person who will be at least 4 years old on October 15th of the school year may enroll in a 2-year childhood education program prior to grade one if it is offered.

See title page for effective date.

## CHAPTER 202

**H.P. 468 - L.D. 605**

### **An Act Concerning Termination of Tenancies at Will**

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

**Sec. 1. 14 MRSA §6002, first ¶**, as amended by PL 1971, c. 544, §§46-A and 47, is further amended to read:

Tenancies at will must be terminated by either party by a minimum of 30 days' notice, except as provided in subsection 1, in writing for that purpose given to the other party, ~~and not otherwise, excepting but if the landlord or the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode.~~ In cases where the tenant, if liable to pay rent, ~~shall is~~ not be in arrears at the expiration of the notice, ~~in which case the 30 days' notice shall must~~ be made to expire upon ~~a the date rent day, provided that either is due.~~ Either party may waive in writing ~~said the~~ 30 days' notice at the time ~~said the~~ notice is given, and at no other time prior to the giving of ~~such the~~ notice. ~~Such The~~ termination ~~shall is~~ not be affected by the receipt of ~~mon-ey's~~ money, whether previously owed or for current use and occupation, until the date a writ of possession is issued against the tenant during the period of actual occupancy after receipt of ~~said the~~ notice. When the tenancy is terminated, the tenant is liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant unless ~~he the tenant~~ has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party. Termination of the tenancy ~~shall be is~~ deemed to occur at the expiration of the time fixed in the notice.

See title page for effective date.

## CHAPTER 203

**H.P. 417 - L.D. 536**

### **An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair**

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

**Sec. 1. 24-A MRSA §2164-C**, as reallocated by PL 1979, c. 663, §143, is amended to read: