

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

ment and April 1st, if not enrolled by October 1st.

Excused absences and absences due to illness shall may not be considered absences under this subsection.

B. Students who attend school under section 5205, subsections 2, 3-A, 4, 5 and 6 must be counted in the school administrative unit in which they attend school.

D. Private schools may report privately funded students on October 1st. All publicly funded students must be reported on October 1st and April 1st in the specified format and with the specific content and in accordance with the time schedules established by the commissioner.

Sec. 10. 20-A MRSA §15917, sub-§1, as enacted by PL 1995, c. 632, §3, is repealed.

See title page for effective date.

**CHAPTER 172**

**H.P. 720 - L.D. 976**

**An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer**

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

Sec. 1. 20-A MRSA §1055, sub-§10, as amended by PL 2001, c. 588, §17, is further amended to read:

10. **Supervise school employees.** The superintendent is responsible for the evaluation of all teachers and other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, but not limited to, their 2nd year of employment. The method of evaluation must be determined by the school board and implemented by the superintendent.

Sec. 2. 20-A MRSA §13201, as amended by PL 1989, c. 285, is further amended to read:

**§13201. Nomination and election of teachers; teacher contracts**

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board shall make makes. Upon the approval of nominations, by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent may deem determines proper, subject to the approval of the school board. The superin-

ment, subject to the approval of the school board, shall implement a program to support probationary teachers pursuant to section 13015. Prior to May 15th before the expiration of a first ~~or~~ 2nd or 3rd year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture shall must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to legally elect a teacher, the commissioner shall have has the authority to appoint a substitute teacher who shall serve serves until such election is made.

After a probationary period ~~not to exceed 2 of 3~~ years, subsequent contracts of duly certified teachers shall must be for not less than 2 5 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 must be extended automatically for one year and similarly in subsequent years. 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 shall be is a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A, for teachers who have served beyond the probationary period.

After a probationary period of 2 3 years, any teacher, who receives notice in accordance with this section that ~~his or her~~ the teacher's contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school board. The teacher may request reasons. The hearing shall must be private except by mutual consent and except that either or both parties may be represented by counsel. That 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 board 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 is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A, ~~provided that in.~~ In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include, but shall may not be limited to, seniority.

**Sec. 3. Reports.** The Department of Education shall review how teacher evaluation systems are used by various school administrative units, both in this State and in other states, to aid hiring, retention and dismissal decisions, as well as how such systems are used to aid professional development and support teachers. The Department of Education shall report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 30, 2011.

**Sec. 4. Application.** That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 13201 applies to newly hired teachers beginning with the 2012-2013 school year.

See title page for effective date.

## CHAPTER 173

### H.P. 196 - L.D. 243

#### An Act To Ensure Emergency Communications for Persons with Disabilities

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

**Sec. 1. 26 MRSA §1419, sub-§1, ¶B-2,** as amended by PL 2003, c. 553, Pt. A, §1, is further amended to read:

B-2. "Specialized customer communications equipment" means communications equipment used by persons with disabilities to conduct telephone communications or equipment that provides or assists in providing emergency alert notification to deaf persons or hard-of-hearing persons. "Specialized customer communications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, telecoil technology, large number dial overlays, direct telephone dialing, fax machines, equipment necessary to use short message services or text message services and other equipment used by persons with disabilities to provide access to telephone networks and equipment that provides or facilitates emergency alert notification to deaf persons or hard-of-hearing persons.

See title page for effective date.

## CHAPTER 174

### S.P. 149 - L.D. 516

#### An Act To Amend Maine Law Regarding Employment Practices for Certain Minors

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

**Sec. 1. 26 MRSA §774, sub-§1, ¶B,** as amended by PL 2003, c. 53, §1, is further amended to read:

B. More than ~~20~~ 24 hours in any week when the minor's school is in session, ~~except that the minor may work up to 8 hours on each day that an authorized school closure occurs in that minor's school up to a total of 28 hours in that week.~~ In addition, the maximum weekly hours a minor may work is 50 hours during any week that the approved school calendar for the minor's school is less than 3 days or during the first or last week of the school calendar, regardless of how many days the minor's school is in session for the week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;

**Sec. 2. 26 MRSA §774, sub-§1, ¶D,** as amended by PL 2003, c. 53, §1, is further amended to read:

D. More than 4 ~~6~~ hours in any day when the minor's school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;

**Sec. 3. 26 MRSA §774, sub-§1, ¶F,** as amended by PL 2003, c. 53, §1, is further amended to read:

F. After ~~40~~ 10:15 p.m. on a day preceding a day on which the minor's school is in session or after 12 midnight on a day that does not precede such a school day; or

See title page for effective date.

## CHAPTER 175

### S.P. 312 - L.D. 992

#### An Act To Amend the Depuration Laws

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

**Sec. 1. 12 MRSA §6856, sub-§3,** as amended by PL 2007, c. 15, §1, is further amended to read:

**3. Depuration certificate.** A person may not take shellfish from closed areas for depuration, processing and transportation without a depuration certificate. The commissioner may issue a depuration certificate to a wholesale seafood license holder that authorizes the holder to take shellfish from closed areas for depuration, processing and transportation. The certificate must establish limits on harvesting, depurat-