

MAINE STATE LEGISLATURE

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February 17, 1975

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Conflict of Interest

SYNOPSIS

The spouse of a member of the school board of a school administrative district who has been employed as a full-time teacher-aid in the school district, may continue to serve on annual contracts after January 1, 1974, although her husband continues to serve on the board, until such time as he is first re-elected to the board after January 1, 1974. She must cease to be employed, however, upon the date he commences his new term on the board.

FACTS

The wife of a school board member is employed as a full-time teacher-aide in S.A.D. #49. The board member was elected in 1973. The wife has worked as an aide continuously since 1966. Public Laws 1973, Chapter 153, section 1, amended the law to read that "no member of the board of school directors or spouse shall be employed as a full-time employee in any public school that comes within the jurisdiction of the board of directors of which he is a member." Section 3 of Chapter 153 provides that "this Act shall apply only to those persons who are elected after January 1, 1974, as members of school committees or boards of school directors."

QUESTION

May the spouse of a member of the board of school directors be re-elected as a full-time teacher-aide on an annual basis even though her husband is on the board of directors, until such time as the husband comes up for re-election?

ANSWER

Yes.

REASON

Chapter 153 became effective on January 1, 1974, and its provisions are prospective only, and do not apply to the spouse until her husband becomes elected as a board member after that date, and she may be re-employed at any time prior to that date. There is a limitation, however, to the length of time she may serve, since the statute prohibits "employment" by the spouse as a full-time employee

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after the board member has been thus elected to office.

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