

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1478**

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H. P. 1089

House of Representatives, March 12, 1971

Referred to Committee on Education. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Donaghy of Lubec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to the Department of Education.

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

**Sec. 1. R. S., T. 20, § 1, repealed and replaced.** Section 1 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 1. Membership; powers and duties**

The Department of Education, as heretofore established, and hereinafter in this Title called the "department," shall exercise such powers and perform such duties as are set forth in this Title. The Department of Education shall consist of a Commissioner of Education and such official and clerical staff as are provided for. The State Board of Education is hereby abolished and all the powers, duties, responsibilities and functions, of any kind or nature, which have been, until this enactment, reposed in the State Board of Education by any laws whatsoever, are hereby vested in the commissioner.

**Sec. 2. R. S., T. 20, § 101, repealed and replaced.** Section 101 of Title 20 of the Revised Statutes as amended by section 1 of chapter 507 of the public laws of 1965 and by section 17 of chapter 476 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 101. Appointment**

The Governor, with the advice and consent of the Council, shall appoint a Commissioner of Education, hereafter referred to as the "commissioner," whenever a vacancy occurs. The commissioner shall hold office during the tenure of the Governor and shall serve until his successor is appointed and qualified.

**Sec. 3. Effective date.** This Act shall be effective on January 1, 1972. The Governor, with the advice and consent of the Council, shall appoint a successor to the Commissioner of Education, who shall assume office on January 1, 1972.

#### STATEMENT OF FACT

This Bill enables the Governor, with the advice and consent of the Council, to appoint the Commissioner of Education. Elimination of the State Board of Education and vesting all of its former powers in the commissioner will provide the Governor with a department head fully responsible for that department and more responsive to the wishes of the Governor and of the electorate.