

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2432

S. P. 863

In Senate, January 23, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Olfene of Androscoggin, **BY REQUEST.**

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Abolishing the State Board of Education and
Creating an Advisory Board.**

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

Sec. 1. R. S., T. 20, § 51, repealed and replaced. Section 51 of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 610 of the public laws of 1971, and as amended by section 7-A of chapter 571 of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 51. Advisory Board of Education

1. Board. There is created an Advisory Board of Education which shall consist of 9 members who shall be appointed by the Governor. The membership of the board shall be broadly representative of the public. No person who earns a substantial portion of his income as a teacher or as an administrator in an educational institution, other than a college president, shall be eligible for appointment or service under this section.

2. Term. The term of office of each member shall be 5 years, provided that of the members first appointed, $\frac{1}{3}$ shall be appointed for terms of one year, $\frac{1}{3}$ for terms of 2 years and $\frac{1}{3}$ for terms of 5 years. Any vacancy created shall be filled for the remainder of the unexpired term.

3. Powers. Notwithstanding any other provision of law, the board shall act only in an advisory capacity to the Commissioner of Educational and Cultural Services concerning matters contained in this Title.

Sec. 2. Amendatory clause. Wherever, Title 20, section 51 excepted, in Title 20 of the Revised Statutes the terms "State Board," "board" or "State Board of Education" appear, they shall mean the Commissioner of Educational and Cultural Services.

STATEMENT OF FACT

The purpose of this Act is to implement Recommendations 1 and 2, Department of Educational and Cultural Services of the Maine Management and Cost Survey Report divesting the State Board of Education of responsibilities related to approval of school administrative and community school districts, standards for elementary and secondary schools, standards for school construction, establishment and operation of technical and vocational institutes and other matters relating to governance of elementary and secondary education.

The Act also provides for creation of an Advisory Board of Education to act in an advisory capacity to the Commissioner of Educational and Cultural Services.

Governor Kenneth M. Curtis in a special message to the 106th Legislature on January 10, 1974 reported that there are certain duties and functions relating to federal programs and state affairs which require a policy-making board rather than an advisory group. The Governor advises that before these recommendations are adopted, the duties of the State Board of Education be carefully studied and that any matters which are primarily administrative in nature be transferred to the Commissioner.