

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 1955

7
8 H. P. 1983 House of Representatives, February 10, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.
Referred to the Committee on Education. Sent up for concurrence
and ordered printed.
9
EDWIN H. PERT, Clerk
Presented by Representative C. B. Smith of Island Falls.
Cosponsor: Senator Carpenter of Aroostook.

10
11 STATE OF MAINE
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT to Provide for the Direct Election of**
17 **Community School District School Committees.**
18

19 **Emergency preamble.** Whereas, Acts of the Legislature
20 do not become effective until 90 days after adjournment
21 unless enacted as emergencies; and

22 Whereas, municipal elections to elect members to munic-
23 ipal school committees will be held prior to the adjournment
24 of the Second Regular Session of the 110th Legislature; and

25 Whereas, the intent of this bill is to authorize the
26 direct election of members to school committees of community
27 school districts which include kindergarten through grade
28 12; and

29 Whereas, if this bill is not passed on an emergency
30 basis, the direct election of members of the school commit-
31 tee of a community school district will not be possible this
32 year; and

1 Whereas, in the judgment of the Legislature, these
2 facts create an emergency within the meaning of the Consti-
3 tution of Maine and require the following legislation as
4 immediately necessary for the preservation of the public
5 peace, health and safety; now, therefore,

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

7 Sec. 1. 20 MRSA §373, sub-§1, as amended by PL 1981,
8 c. 114, §2, is repealed and the following enacted in its
9 place:

10 1. Representation on school committees in districts
11 that do not include kindergarten through grade 12; districts
12 that include kindergarten through grade 12; starting date
13 for term of office. Each member town's representation on
14 the district's school committee, as determined pursuant to
15 section 372, subsection 2, paragraph C, shall be chosen as
16 follows.

17 A. In a district which does not include kindergarten
18 through grade 12, the school committee of each member
19 town shall choose from its membership the representa-
20 tion on the community school district's school commit-
21 tee to which that town is entitled. Membership on the
22 district's committee shall be coterminous with the
23 member's term of office on the school committee of the
24 town which he represents.

25 B. In a district which includes kindergarten through
26 grade 12, the member towns shall elect their repre-
27 sentatives directly to the district's school committee
28 as follows.

29 (1) For the purpose of nominations, the members
30 of the school committee shall be considered munic-
31 ipal officers and shall be nominated in accordance
32 with Title 30, chapter 207 or in accordance with a
33 municipal charter, whichever is applicable.

34 (2) Upon the election of the members to the
35 school committee, the clerks of the several munic-
36 ipalities within the district shall forward the
37 names of the members of the committee elected by
38 each municipality to the secretary of the dis-
39 trict's school committee.

1 (3) The terms of office shall be determined by
2 lot as follows: One-third of the members of the
3 school committee shall serve one-year terms; 1/3
4 shall serve 2-year terms; and 1/3 shall serve
5 3-year terms. In the event the number of members
6 is not evenly divisible by 3, the terms of the
7 members represented by the integer obtained by
8 dividing the number of members by 3 shall be
9 determined by the preceding sentence: If one
10 member remains, he shall serve a 3-year term; if 2
11 members remain, one shall serve a 3-year term and
12 one shall serve a 2-year term, to be determined
13 by lot. The members of the school committee shall
14 serve their terms as determined and an additional
15 period until the next regular election of the
16 municipalities. Thereafter, their terms of office
17 shall date from the time of each municipality's
18 regular election. In a city where elections are
19 held biennially, the term of each member shall be
20 for 4 years dating from the time of the regular
21 city election and following the initial election,
22 the members shall choose by lot to see who will
23 serve for 4 years and who will serve for 2 years;
24 thereafter each member shall be elected to serve
25 for 4 years.

26 C. Notwithstanding paragraphs A and B, the voters of a
27 district may vote on an appropriate article at meetings
28 called by the municipal officers of the respective
29 member towns, in accordance with section 371, to estab-
30 lish a fixed common date for all newly-elected school
31 committee members to assume their term of office. The
32 common date shall be subsequent to the last annual
33 municipal election within the district but shall be no
34 later than July 1st of the next fiscal year. The adop-
35 tion of such a common date shall be conditional upon
36 the favorable passage of this article at each of the
37 meetings of the member towns.

38 Sec. 2. 20 MRSA §373, sub-§2, as amended by PL 1981,
39 c. 464, § 12, is repealed and the following enacted in its
40 place:

41 2. Vacancies caused by death or resignation; declara-
42 tion of vacancy; attendance as nonvoting member. Vacancies
43 caused by death or resignation shall be filled as follows.

44 A. A vacancy on a school committee of a district which
45 does not include kindergarten through grade 12, whether

1 caused by death, by resignation or by a member having
2 changed his residence from the town which he repre-
3 sents, shall be filled by the school committee of the
4 town in which the vacancy occurs. A similar vacancy on
5 a school committee of a district which includes kinder-
6 garten through grade 12 shall be filled by the municip-
7 al officers of the municipality in which the member
8 resided. The municipal officers shall select a new
9 member from the municipality in which the old member
10 resided to serve until the next annual municipal elec-
11 tion. Evidence that an individual is registered to
12 vote in a municipality is prima facie evidence of that
13 individual's residency.

14 B. If any representative on the school committee in a
15 community school district which does not include kin-
16 dergarten through grade 12 is absent from 3 consecutive
17 regular committee meetings, the committee may declare
18 that a vacancy exists and the school committee in the
19 representative's town may choose from among its members
20 another representative to the community school commit-
21 tee. He shall be chosen on the basis of seniority.

22 C. If a member of the school committee in a community
23 school district which does not include kindergarten
24 through grade 12 is absent from a meeting, the senior
25 nonvoting member shall be allowed all the rights and
26 privileges of the absent member with the exception of
27 the right to vote. This paragraph shall apply only to
28 a community with only one member on the community
29 school committee.

30 **Sec. 3. 20 MRSA §471, first sentence, as amended by PL**
31 **1967, c. 425, §19, is amended to read:**

32 Every town, not included in a School Administrative
33 District or a community school district which operates kin-
34 dergarten through grade 12, shall choose by ballot at its
35 annual meeting a school committee of 3 to hold office as
36 provided in section 472 and shall fill vacancies arising
37 therein at each subsequent annual meeting.

38 **Emergency clause.** In view of the emergency cited in
39 the preamble, this Act shall take effect when approved.

1

STATEMENT OF FACT

2 In community school districts operating kindergarten
3 through grade 12, school committees within the member munic-
4 ipalities are not involved in the operation of the local
5 schools and are an unnecessary layer of municipal officers.
6 The intent of this bill provides for the direct election of
7 the community school committee by the voters of the member
8 municipalities.

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