

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1983, L.D. 1955)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2095
7

8
9 H. P. 2237 House of Representatives, March 25, 1982
Reported by Representative Rolde from the Committee on Educa-
tion and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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

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22 c. 114, §2, is repealed and the following enacted in its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

24 1. Representation on school committees in districts
25 that do not include grades 1 through 12; districts that
26 include grades 1 through 12; starting date for term of
27 office. Each member town's representation on the district's
28 school committee, as determined pursuant to section 372,
29 subsection 2, paragraph C, shall be chosen as follows.

30 A. In a district which does not include grades 1
31 through 12, the school committee of each member town
32 shall choose from its membership the representation on

1 the community school district's school committee to
2 which that town is entitled. Membership on the dis-
3 trict's committee shall be coterminous with the
4 member's term of office on the school committee of the
5 town which he represents.

6 B. In a district which includes grades 1 through 12,
7 the member towns shall elect their representatives
8 directly to the district's school committee as follows.

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

14 (2) Upon the election of the members to the
15 school committee, the clerks of the several munic-
16 ipalities within the district shall forward the
17 names of the members of the committee elected by
18 each municipality to the secretary of the dis-
19 trict's school committee.

20 (3) The terms of office shall be determined by
21 lot as follows: One-third of the members of the
22 school committee shall serve one-year terms; 1/3
23 shall serve 2-year terms; and 1/3 shall serve
24 3-year terms. In the event the number of members
25 is not evenly divisible by 3, the terms of the
26 members represented by the integer obtained by
27 dividing the number of members by 3 shall be
28 determined by the preceding sentence; if one
29 member remains, he shall serve a 3-year term; if 2
30 members remain, one shall serve a 3-year term and
31 one shall serve a 2-year term, to be determined
32 by lot. The members of the school committee shall
33 serve their terms as determined and an additional
34 period until the next regular election of the
35 municipalities. Thereafter, their terms of office
36 shall date from the time of each municipality's
37 regular election. In a city where elections are
38 held biennially, the term of each member shall be
39 for 4 years dating from the time of the regular
40 city election and, following the initial election,
41 the members shall choose by lot to see who will
42 serve for 4 years and who will serve for 2 years.
43 Thereafter, each member shall be elected to serve
44 for 4 years.

1 C. Notwithstanding paragraphs A and B, the voters of a
2 district may vote on an appropriate article at meetings
3 called by the municipal officers of the respective
4 member towns, in accordance with section 371, to estab-
5 lish a fixed common date for all newly-elected school
6 committee members to assume their terms of office. The
7 common date shall be subsequent to the last annual
8 municipal election within the district, but shall be no
9 later than July 1st of the next fiscal year. The adop-
10 tion of such a common date shall be conditional upon
11 the favorable passage of this article at each of the
12 meetings of the member towns.

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

16 2. Vacancies caused by death or resignation; declara-
17 tion of vacancy; attendance as nonvoting member. Vacancies
18 caused by death or resignation shall be filled as follows.

19 A. A vacancy on a school committee of a district which
20 does not include grades 1 through 12, whether caused by
21 death, by resignation or by a member having changed his
22 residence from the town which he represents, shall be
23 filled by the school committee of the town in which the
24 vacancy occurs. A similar vacancy on a school commit-
25 tee of a district which includes grades 1 through 12
26 shall be filled by the municipal officers of the munic-
27 ipality in which the member resided. The municipal
28 officers shall select a new member from the municipal-
29 ity in which the old member resided to serve until the
30 next annual municipal election. Evidence that an indi-
31 vidual is registered to vote in a municipality is prima
32 facie evidence of that individual's residency.

33 B. If any representative on the school committee in a
34 community school district which does not include grades
35 1 through 12 is absent from 3 consecutive regular com-
36 mittee meetings, the committee may declare that a
37 vacancy exists and the school committee in the
38 representative's town may choose from among its members
39 another representative to the community school commit-
40 tee. He shall be chosen on the basis of seniority.

41 C. If a member of the school committee in a community
42 school district which does not include grades 1 through
43 12 is absent from a meeting, the senior nonvoting
44 member shall be allowed all the rights and privileges
45 of the absent member, with the exception of the right

1 to vote. This paragraph shall apply only to a commu-
2 nity with only one member on the community school com-
3 mittee.

4 **Sec. 3. 20 MRSA §471, first sentence,** as amended by PL
5 1967, c. 425, §19, is amended to read:

6 Every town, not included in a School Administrative
7 District or a community school district which operates
8 grades 1 through 12, shall choose by ballot at its annual
9 meeting a school committee of 3 to hold office as provided
10 in section 472 and shall fill vacancies arising therein at
11 each subsequent annual meeting.

12 STATEMENT OF FACT

13 This new draft changes "kindergarten through grade 12"
14 to "grades 1 through 12," and it removes the emergency pre-
15 amble and the emergency clause.

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