

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1444

6
7 H.P. 1096

House of Representatives, April 11, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Brown of Gorham.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to School Boards.
18

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

21 Sec. 1. 20-A §1005 is enacted to read:

22 §1005. Recall of school board members

23 Members of any school board may be recalled by
24 the voters of the municipality electing them. The
25 recall process shall be as follows.

26 1. Initiation. A recall petition may be ini-
27 tiated by at least 15 registered voters of the munic-
28 ipality presenting a written request for recall to
29 the town clerk. Upon receipt of the request and
30 verification of the registration of the signers, the
31 town clerk shall consult with the town attorney, the
32 signers and any attorney they may choose to retain to

1 prepare a recall petition. The recall petition shall
2 clearly identify and set forth the charges against
3 the member giving rise to the recall request. The
4 question to be asked at the referendum on recall
5 shall substantially conform to the following:

6 RECALL BALLOT

7 Shall _____ be recalled from the
8 (Name of member)

9 _____ School Board to which he (she)
10 (name of school board)

11 was elected?

12 YES

13 NO

14 2. Collection of signatures; time. Recall peti-
15 tions shall be available for signing by any regis-
16 tered voter in the municipality for 15 business
17 days following the completion of the petition. Peti-
18 tions may be circulated for signing throughout the
19 municipality. If, at the close of the 15-day period,
20 a number of registered voters of that municipality
21 equal to at least 10% of the number of votes cast in
22 that municipality at the last gubernatorial election
23 have signed the petition, the elected municipal offi-
24 cial shall immediately establish a time for a recall
25 referendum. The recall referendum shall be held,
26 unless the member resigns at least 7 days prior to
27 the date of the referendum.

28 No replacement candidates may be voted on at the
29 recall referendum, nor may an election for a replace-
30 ment of a recalled or resigned member be held within
31 14 days.

32 Sec. 2. 20-A MRSA §2301, as enacted by PL 1981,
33 c. 693, §§5 and 8, is amended to read:

34 §2301. Applicability of provisions to certain towns
35 or cities

1 Sections 1005, 2302 ~~to~~, 2303 and 2305 do not apply
2 to municipalities whose charters specify the methods
3 of selection, removal and term of office of a school
4 committee, nor to municipalities who revise their
5 charters or adopt new charters under the "home rule"
6 provisions of Title 30, chapter 201-A, with speci-
7 fications for method of selection, removal and term
8 of office of a school committee, nor to municipali-
9 ties authorized by private and special laws to other-
10 wise choose a school committee.

11 STATEMENT OF FACT

12 The purposes of this bill are:

13 1. To establish a system for recalling school
14 board members in municipalities whose charters do not
15 contain recall provisions;

16 2. To incorporate a change made in Title 20 last
17 year that is not reflected in Title 20-A, granting
18 municipalities whose charters govern school commit-
19 tees to also provide for the recall of school commit-
20 tee members; and

21 3. To make it clear that municipalities which
22 revise or adopt a new charter may provide their own
23 provisions for size, districting and removal powers
24 regarding school boards.

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