

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2405

H.P. 1756 House of Representatives, March 2, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Education suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative BOST of Orono.
Cosponsored by Senators ESTES of York, CLARK of
Cumberland and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Enhance and Clarify the Role of the
2 State Board of Education.
3

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

6 Sec. 1. 20-A MRSA §401, first ¶, as amended by
7 PL 1983, c. 812, §101, is further amended to read:

8 The State Board of Education is established by

1 Title 5, section 12004, subsection 8. The State Board
2 of Education shall be a completely autonomous body
3 with an office physically separate from the
4 department. The appointments, terms and expenses of
5 the State Board of Education members shall be as
6 follows.

7 Sec. 2. 20-A MRSA §401, sub-§2, as enacted by
8 PL 1981, c. 693, §§5 and 8, is repealed and the
9 following enacted in its place:

10 2. Composition. The membership of the state
11 board shall be broadly representative of the public
12 and the regions of the State. Members must have
13 experience in and knowledge of the field of education.

14 A. Any members whose experience within the
15 State's educational service results in a conflict
16 of interest on any decision by the board shall
17 abstain from that decision.

18 Sec. 3. 20-A MRSA §401, sub-§3, as repealed and
19 replaced by PL 1983, c. 812, §102, is amended to read:

20 3. Expenses. Members of the state board shall be
21 compensated according to the provisions of Title 5,
22 chapter 379, a member shall receive compensation
23 whenever that member fulfills any board duties.

24 Sec. 4. 20-A MRSA §401, sub-§4, as enacted by
25 PL 1981, c. 693, §§5 and 8, is amended to read:

26 4. Term. The term of office of each member shall
27 be 5 3 years. Any vacancy shall be filled for the
28 remainder of the unexpired term.

29 Sec. 5. 20-A MRSA §401, sub-§5 is enacted to
30 read:

31 5. Assistance. The department shall provide
32 staff assistance to the state board in carrying out
33 its functions.

34 Sec. 6. 20-A MRSA §405, sub-§§9 and 10 are
35 enacted to read:

1 budgeted for the State
2 Board of Education
3 within the office of
4 the Commissioner of
5 Educational and
6 Cultural Services.

7 DEPARTMENT OF EDUCATIONAL
8 AND CULTURAL SERVICES
9 TOTAL

\$(58,000)

10 STATEMENT OF FACT

11 The purpose of this bill is to make several
12 changes in existing law to assist the State Board of
13 Education in carrying out its duties. First, to
14 clarify the position of the state board, the bill
15 specifically provides for the physical and
16 administrative autonomy of the board in discharging
17 its educational policy-making responsibilities. The
18 Department of Educational and Cultural Services is to
19 provide technical assistance to the board. Second, to
20 assure more direct public representation on the state
21 board, the bill requires appointees to be regionally
22 representative and to possess educational knowledge
23 and experience. The bill also reduces the length of
24 terms from 5 years to 3 years. Third, to provide
25 adequate compensation, the bill clarifies that any
26 board member will be compensated for per diem and
27 expenses incurred in performing board
28 responsibilities. Finally, to enhance the board's
29 independent position, specific authority to hire
30 support staff and to contract for services is added to
31 the board's powers and duties.

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