

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 81

S.P. 51

In Senate, December 31, 1990

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ESTES of York.

Cosponsored by Senator BOST of Penobscot, Representative PARADIS of Frenchville and Representative HANDY of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Change the Process of Selecting the Commissioner of
Education.**



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

2

3 Sec. 1 20-A MRSA §251, as amended by PL 1983, c. 123, is
4 repealed and the following enacted in its place:

6

§251. Appointment; term

8

The appointment and term of service of the commissioner is
as follows.

10

11 1. Appointment. The commissioner is appointed by the State
12 Board of Education.

14

A. The State Board of Education shall include the Governor
or the Governor's designee in the selection process and
16 shall ensure that the Governor has an opportunity to meet
and interview the candidate or candidates.

18

B. The chair of the State Board of Education shall consult
with the Governor prior to final selection by the state
20 board. The state board shall consider the Governor's
appraisal of the candidate or candidates prior to making an
22 appointment.

24

2. Term. The commissioner initially serves a 3-year term.
26 The State Board of Education may extend the term of the
commissioner by one year at a public meeting following the annual
28 review of performance as provided in subsection 3.

30

3. Performance review. The State Board of Education shall
meet with the commissioner in executive session annually in
32 December to review the performance of the commissioner at a time
and place determined by the chair of the State Board of Education.

34

Sec. 2. Commencement of appointment process. Following the
36 effective date of this Act, the appointment process must commence
as a vacancy occurs in the office of the Commissioner of
38 Education. The term of the commissioner serving on the effective
date of this Act is governed by the law in effect at the time of
40 the commissioner's appointment.

42

STATEMENT OF FACT

44

The present method of selecting a Commissioner of Education
46 does not encourage a bipartisan approach to the appointment
process. The bill creates a process for the selection of a
48 Commissioner of Education that is bipartisan by giving the State
Board of Education rather than the Governor a primary role in the
50 selection of the commissioner.