

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "*B*" to S.P. 469, L.D. 1252, Bill, "An Act to Amend and Improve the Laws Relating to Education"

Amend the bill by inserting after the title the following:

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

Whereas, this bill makes several important, technical changes to state education laws; and

Whereas, it is necessary that these changes go into effect immediately in order to benefit the school units, students and school administrators of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out all of sections 1, 2 and 3 and inserting in their place the following:

Sec. 1. 20-A MRSA §1051, sub-§1, as repealed and replaced by PL 1983, c. 816, Pt. A, §10, is amended to read:

1. Eligibility requirements. Only those persons who hold a state certificate of superintendence grade, issued in accordance with chapter 501 or 502, may be eligible to become superintendents. Members of the school board may not be eligible to become superintendent in the school administrative unit which that they represent. Superintendents' certificates may be

2 revoked in accordance with section ~~13001~~ 13020. Grounds for
3 revocation shall include, but are not be limited to, the
4 employment or retention of uncertified personnel in a school
5 administrative unit in violation of this Title or of any rules
6 adopted pursuant to this Title.

7 **Sec. 2. 20-A MRSA §1251, sub-§6**, as amended by PL 1987, c.
8 736, §40, is further amended to read:

9 **6. Oath of office.** Before their first meeting, newly
10 elected directors shall must take the following oath or
11 affirmation before a dedimus justice or notary public.

12 "I do swear that I will faithfully
13 discharge to the best of my abilities the duties incumbent on me
14 as a school director of School Administrative District No.....
15 according to the Constitution and laws of this State. So help me
16 God."

17 **A.** A director shall take the oath or affirmation and return
18 a certificate documenting that the oath has been taken to
19 the secretary of the district to place in the district
20 records.

21 **B.** If a director is conscientiously scrupulous of taking an
22 oath, the word "affirm" shall may be used instead of "swear"
23 and the words "this I do under the pains and penalty of
24 perjury" instead of the words "so help me God."

25 **Sec. 3. 20-A MRSA §1653**, as amended by PL 1989, c. 104, Pt.
26 C, §§8 and 10, is further amended to read:

27 **§1653. Election; vacancies**

28 **1. Representation on school committees in districts that do**
29 **not include kindergarten and grades one to 12; districts that**
30 **include kindergarten and grades one to 12; starting date for term**
31 **of office.** Each member town's representation on the district's
32 school committee, as determined pursuant to section 1651,
33 subsection 2, paragraph C, shall must be chosen as follows.

34 **A.** In a district which that does not include kindergarten
35 and grades one to 12, the school committee of each member
36 town shall choose from its membership the representation on
37 the community school district's school committee to which
38 that town is entitled. Membership on the district's
39 committee shall-be is coterminous with the member's term of
40

2 office on the school committee of the town which that the
member represents.

4 B. In a district which that includes kindergarten and
6 grades one to 12, the member towns shall elect their
representatives directly to the district's school committee
as follows.

8
10 (1) For the purpose of nominations, the members of the
school committee shall--be are considered municipal
12 officers and shall must be nominated in accordance with
Title 30-A, chapter 121, or in accordance with a
14 municipal charter, whichever is applicable.

16 (2) Upon the election of the members to the school
committee, the clerks of the several municipalities
18 within the district shall forward the names of the
members of the committee elected by each municipality
to the secretary of the district's school committee.

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

46 C. Notwithstanding paragraphs A and B, the voters of a
48 district may vote on an appropriate article at meetings
called by the municipal officers of the respective member

2 towns, in accordance with section 1602, to establish a fixed
3 common date for all newly-elected newly elected school
4 committee members to assume their terms of office. The
5 common date shall must be subsequent to the last annual
6 municipal election within the district, but shall may be no
7 later than July 1st of the next fiscal year. The adoption
8 of such a common date shall--be is conditional upon the
9 favorable passage of this article at each of the meetings of
10 the member towns.

11 **2. Vacancies caused by death or resignation; declaration of**
12 **vacancy; attendance as nonvoting member.** Vacancies caused by
13 death or resignation shall-be are filled as follows.

14 A. A vacancy on a school committee of a district which that
15 does not include kindergarten and grades one to 12, whether
16 caused by death, by resignation or by a member having
17 changed his residence from the town which that the member
18 was elected to represent, shall must be filled by the school
19 committee of the town in which the vacancy occurs. A similar
20 vacancy on a school committee of a district which that
21 includes kindergarten and grades one to 12 shall must be
22 filled by the municipal officers of the municipality in
23 which the member resided. The municipal officers shall
24 select a new member from the municipality in which the old
25 member resided to serve until the next annual municipal
26 election. Evidence that an individual is registered to vote
27 in a municipality is prima facie evidence of that
28 individual's residency.

29 B. If any representative on the school committee in a
30 community school district which that does not include
31 kindergarten and grades one to 12 is absent from 3
32 consecutive regular committee meetings, the committee may
33 declare that a vacancy exists and the school committee in
34 the representative's town may choose from among its members
35 another representative to the community school committee.
36 The new member shall must be chosen on the basis of
37 seniority.

38 Except in municipalities having a municipal charter, if any
39 representative on the school committee in a community school
40 district which that includes kindergarten and grades one to
41 12 is absent without excuse from 3 consecutive regular
42 committee meetings, the committee may declare that a vacancy
43 exists. The municipality shall elect another representative
44 to the community school committee in the same manner as
45 provided for original election under subsection 1, paragraph
46
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48

2 B. The successor ~~shall-serve~~ serves for the remainder of
the unexpired term.

4 C. If a member of the school committee in a community
6 school district which that does not include kindergarten and
grades one to 12 is absent from a meeting, the senior
8 nonvoting member ~~shall-be~~ is allowed all the rights and
privileges of the absent member. This paragraph ~~shall-apply~~
10 applies only to a community with only one member on the
community school committee.

12 **Sec. 4. 20-A MRSA §4706, sub-§2**, as enacted by PL 1983, c.
14 859, Pt. C, §§5 and 7, is amended to read:

16 2. **Maine studies.** A course in the Maine history, including
the Constitution of Maine, Maine geography and environment and
18 the natural, industrial and economic resources of Maine and
Maine's cultural and ethnic heritage ~~shall~~ must be taught in at
20 least one grade from grade 5 to grade 12 8, in all schools, both
public and private. These concepts must be integrated into the
curriculum in grades 9 to 12.

22 **Sec. 5. 20-A MRSA §5004** is enacted to read:

24 **§5004. Work permits**
26 Superintendents shall issue and revoke work permits for
28 minor students as provided in Title 26, chapter 7.'

30 Further amend the bill by inserting at the end before the
statement of fact the following:

32 **'Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.'

36 Further amend the bill by renumbering the sections to read
consecutively.

40 **STATEMENT OF FACT**

42 This amendment makes several changes in the original bill to:

- 44 1. Delete the provision allowing the Department of
Education to carry forward unexpended balances in the unorganized
46 territories education account;

HOUSE AMENDMENT "B" to S.P. 469, L.D. 1252

- 2 2. Make several technical changes to correct
cross-references and other obsolete terms in the Maine Revised
Statutes, Title 20-A;
- 4
- 6 3. Authorize elected directors of school boards in school
administrative districts to take the required oath of office
before a notary public as well as a dedimus justice;
- 8
- 10 4. Cross-reference the superintendent's responsibilities in
issuing student work permits under Title 26;
- 12 5. Remove the requirement that Maine studies be taught as a
separate course in high school. Maine studies still must be
14 taught once in grades 6 to 8 and the concepts must now be
integrated into high school classes; and
- 16
- 18 6. Add an emergency preamble and an emergency clause.

Filed by Rep. Kilkelly of Wiscasset
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