

# MAINE STATE LEGISLATURE

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M A J O R I T Y  
E D U C A T I O N

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 82, L.D. 112, Bill, "An Act to Amend the Role of the State Board of Education"

Amend the bill by striking out the title and substituting the following:

'An Act to Change the Process of Selecting the Commissioner of Education'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 20-A MRSA §251, as amended by PL 1983, c. 123, is repealed and the following enacted in its place:

§251. Appointment; term

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

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

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

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

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2. Term. The commissioner serves at the pleasure of the State Board of Education.

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

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**Sec. 2. Commencement of appointment process.** Following the effective date of this Act, the appointment process begins when a vacancy occurs in the office of the Commissioner of 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 the commissioner's appointment.'

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

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**'FISCAL NOTE**

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A General Fund appropriation of approximately \$10,000 for advertising, travel reimbursement for candidates and public hearing expenses will be required by the State Board of Education for any year in which a new Commissioner of Education would be hired under the new selection process. This appropriation may be required in fiscal year 1994-95.'

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**STATEMENT OF FACT**

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The bill limited the functions of the State Board of Education to advising the Commissioner of Education and acting as the state agency responsible for administering federal vocational education funds.

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The amendment strikes out the bill and replaces it with a provision requiring that the State Board of Education appoint the Commissioner of Education. Under current law, the Commissioner is appointed by the Governor. The amendment also adds a new bill title and a fiscal note.

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