

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1325

H.P. 962

House of Representatives, March 4, 1997

An Act to Make the State Board of Education Elected.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.
Cosponsored by Senator HALL of Piscataquis and
Representatives: AHEARNE of Madawaska, BERRY of Belmont, BUCK of Yarmouth,
GOODWIN of Pembroke, JOY of Crystal, O'NEAL of Limestone, VEDRAL of Buxton,
WHEELER of Bridgewater.

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

2 **Sec. 1. 20-A MRSA §401**, as amended by PL 1989, c. 503, Pt. B,
4 §72, is further amended to read:

6 **§401. State Board of Education**

8 The State Board of Education is established by Title 5,
10 section 12004-C, subsection 1. The State Board of Education
12 shall ~~be~~ is an autonomous body and shall maintain an office in
 Augusta. The ~~appointments~~ election, terms and expenses of the
 State Board of Education members shall ~~be~~ are as follows.

14 ~~1.--Appointment.--The state board shall consist of 9 members~~
16 ~~who shall be appointed by the Governor.--Each appointment shall~~
18 ~~be subject to review by the joint standing committee having~~
 ~~jurisdiction over education and to confirmation by the~~
 ~~Legislature.~~

20 1-A. Membership. The state board consists of 16 members.
22 The voters of each county shall elect a resident of the county to
 be a member of the state board.

24 ~~2.--Composition.--The membership of the state board shall be~~
26 ~~broadly representative of the public and the regions of the~~
28 ~~State.--A person whose income is derived in substantial portion~~
30 ~~from work as a teacher or as an administrator in an educational~~
 ~~institution may not be eligible for appointment to or service on~~
 ~~the state board.--Members must have strong interest in and~~
 ~~knowledge of education.~~

32 2-A. Election of members. Members of the state board are
34 elected on the Tuesday following the first Monday of November
36 beginning in 1997 and every 5 years thereafter. The votes must
 be received, sorted, counted, declared, recorded and sent to the
 Secretary of State in the same manner as votes and returns of
 votes for county commissioners.

38 3. **Expenses.** Members of the state board shall ~~be~~ are
40 compensated according to the provisions of Title 5, chapter 379;
42 a member shall ~~receive~~ receives compensation whenever that member
 fulfills any board duties in accordance with board bylaws.

44 4. **Term.** The term of office of each member shall ~~be~~ is 5
46 years. Any The Governor shall fill any vacancy shall be filled
48 for the remainder of the unexpired term by appointment of a
 member from the county for which the vacancy occurs. The state
50 board shall promulgate adopt rules in accordance with the Maine
 Administrative Procedure Act, Title 5, chapter 375, which
 establishes the procedure and criteria by which the state board

2 may recommend to the Governor the removal of a member from office
3 prior to completion of the term of appointment election for
4 failure to perform the duties of office.

5 **5. Assistance.** The department shall provide staff
6 assistance to and any other services needed by the state board in
7 carrying out its functions.

8 **Sec. 2. 20-A MRSA §401-A, sub-§1,** as enacted by PL 1987, c.
9 395, Pt. A, §47, is amended to read:

10 **1. Formulating policy.** Formulating all policy for the
11 department by which the commissioner shall administer ~~ertain~~ all
12 regulatory tasks;

13 **Sec. 3. 20-A MRSA §405, sub-§6,** as amended by PL 1993, c. 290,
14 §4, is further amended to read:

15 **6. Recommendations to Legislature.** The state board shall
16 recommend to the Legislature any new legislation or amendments to
17 existing legislation for the efficient conduct of the public
18 schools and for achieving the education and performance goals and
19 standards and the plan for the public schools developed in
20 accordance with subsection 3, paragraph S. The state board may,
21 by majority vote, make recommendations to the Legislature
22 regarding any education policy.

23 **Sec. 4. Restructuring study.** The Commissioner of Education
24 shall study the feasibility of restructuring the Department of
25 Education and report the results to the State Board of Education
26 by January 1, 1998.

27 **Sec. 5. Transition.** A person serving as a member of the State
28 Board of Education on the effective date of this Act continues to
29 serve in that capacity until the election of state board members
30 provided in this Act is completed.

38 SUMMARY

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40 This bill provides for the election of the State Board of
41 Education. Sixteen members are elected to the board, one from
42 each county. The elected board is to make all policy for the
43 Department of Education and may recommend education policy to the
44 Legislature. The Commissioner of Education is directed to study
45 and report to the state board on the feasibility of restructuring
46 the department.