

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 188, L.D. 660, Bill, "An Act to Amend the Laws Governing a Conflict of Interest for a School Board Member"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, there is a growing shortage of qualified candidates seeking positions on school boards in school administrative units across the State;

Whereas, the Legislature has an interest in increasing the pool of qualified candidates for school board positions in Maine's school administrative units;

Whereas, clear guidelines may be adopted to ensure the avoidance of conflicts of interest and the appearance of impropriety in order to open up the field of potential school board candidates to persons who wish to serve and whose spouses wish to serve as part-time, seasonal, temporary or substitute employees in a public school or contract high school or academy where the school board member serves; 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,

COMMITTEE AMENDMENT

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

4 **Sec. 1. 20-A MRSA §1002, sub-§2,** as amended by PL 1999, c.
6 128, §2, is further amended to read:

8 **2. Employment by school administrative unit, school union,**
9 **academy.** A member of a school board ~~or spouse of a member~~ may
10 not be an employee in a public school within the jurisdiction of
11 the school board to which the member is elected or in a contract
12 high school or academy located within a supervisory union in
13 which the member is a representative on the union committee. A
14 spouse of a school board member or union committee representative
15 may not be a full-time employee of a public school or contract
16 high school or academy to which the school board member is
17 elected or in a contract high school or academy located within a
18 supervisory union in which the member is a representative on the
19 union committee. Notwithstanding any other provision of this
20 section, a spouse of a school board member or union committee
21 representative may be a part-time, seasonal, temporary or
22 substitute employee in a public school or contract high school or
23 academy within the jurisdiction of the school board to which the
24 school board member is elected or in a contract high school or
25 academy located within a supervisory union in which the member is
26 a representative on the union committee only when:

27 A. The fact that the spouse of a school board member or
28 union committee representative who is an applicant or a
29 nominee to serve as a part-time, seasonal, temporary or
30 substitute employee is made known to the members of the
31 school board or union committee prior to the hiring or
32 appointment of the spouse of the school board member or
33 union committee member;

34 B. The school board or the union committee develops and
35 approves policies prescribing the terms and conditions under
36 which the school board or union committee may hire a spouse
37 of a school board member or union committee member to serve
38 as a part-time, seasonal, temporary or substitute employee;
39 and

40 C. The policies developed and adopted by the school board
41 or union committee under paragraph B include provisions
42 requiring that the school board member or union committee
43 member who is the spouse of a part-time, seasonal, temporary
44 or substitute employee be recused from discussions of salary
45 or other personnel deliberations directly affecting that
46 member's spouse.

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

4

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SUMMARY

8 This amendment replaces the bill and is the minority report
of the Joint Standing Committee on Education and Cultural
10 Affairs. The amendment creates an exception in the school
employment laws that allows a spouse of a school board member or
12 school union representative to serve as a part-time, seasonal,
temporary or substitute employee in a public school or contract
14 high school or academy where that person's spouse serves as a
school board member or school union representative. The
16 amendment requires notice of a spouse's application for
employment to the school board or school union committee,
18 policies for prescribing the terms and conditions under which a
school board or school union committee may hire a spouse of a
20 school board member or school union committee member and the
requirement that a school board member must be recused from any
22 discussions of salary or other personnel matters directly
affecting that member's spouse. The amendment adds an emergency
24 preamble and an emergency clause to the bill.