

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1944

H.P. 1380

House of Representatives, December 18, 2007

An Act Regarding the Application of Term Limits for the State Board of Education

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2007. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FINCH of Fairfield.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: EDGECOMB of Caribou, McFADDEN of Dennysville, MUSE of Fryeburg,
NORTON of Bangor, SUTHERLAND of Chapman, Senators: BOWMAN of York, MILLS of
Somerset.

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

2 **Sec. 1. 20-A MRSA §401, sub-§4**, as amended by PL 2005, c. 16, §1, is further
3 amended to read:

4 **4. Term.** The term of office of each member is 5 years. A person may not serve
5 more than any 2 5-year terms. A vacancy must be filled for the remainder of the
6 unexpired term. If a person appointed to fill a vacancy serves more than 2 1/2 years of an
7 unexpired term, that service counts as one term for purposes of the limitation on terms
8 imposed in this subsection. The state board shall promulgate rules in accordance with the
9 Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the
10 procedure and criteria by which the state board may recommend to the Governor the
11 removal of a member from office prior to completion of the term of appointment for
12 failure to perform the duties of office.

13 **Sec. 2. Application.** Notwithstanding Public Law 2005, chapter 16, section 2, the
14 limitation on terms served by members of the State Board of Education contained in the
15 Maine Revised Statutes, Title 20-A, section 401, subsection 4 as amended by this Act
16 applies to terms served by a person who is a member of the State Board of Education on
17 the effective date of this Act except that that person may finish that person's term.

18 **SUMMARY**

19 This bill provides that if a person appointed to fill a vacancy on the State Board of
20 Education serves more than 2 1/2 years of an unexpired term, that service counts as one
21 term for purposes of the limitation on terms imposed on board members. It also clarifies
22 that the limitation on terms imposed on members of the State Board of Education applies
23 to terms served by current board members except that if a current board member's service
24 is in excess of that permitted by the limitation on terms, that member may finish the
25 member's term.