

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1441

H.P. 1035

House of Representatives, April 24, 2013

**An Act To Align the Formation of Governing Boards of Career and
Technical Education Regions with That of Other Public Schools**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CHAPMAN of Brooksville.
Cosponsored by Senator GRATWICK of Penobscot.

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

2 **Sec. 1. 20-A MRSA §405, sub-§11** is enacted to read:

3 **11. Career and technical school election procedures.** The state board shall
4 establish by rule procedures and standards for the election of members of career and
5 technical education region cooperative boards formed under chapter 313. The procedures
6 and standards must conform, to the maximum extent possible, to the procedures and
7 standards established for the election of directors of school administrative districts
8 pursuant to chapter 103, subchapter 3, including:

9 A. The methods of representation;

10 B. Procedures for the election of initial and subsequent members;

11 C. Procedures for filling of vacancies; and

12 D. The method for establishing terms of office.

13 Rules adopted under this subsection are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.

15 **Sec. 2. 20-A MRSA §8452, sub-§1, ¶B**, as amended by PL 1991, c. 518, §19, is
16 further amended to read:

17 B. The ~~number~~ composition of the cooperative board or apportionment of members
18 of the cooperative board to represent each unit or group of units in accordance with
19 rules adopted by the state board under section 405, subsection 11; and

20 **Sec. 3. 20-A MRSA §8452, sub-§1, ¶C**, as amended by PL 1991, c. 518, §19, is
21 repealed.

22 **Sec. 4. 20-A MRSA §8452, sub-§5**, as amended by PL 1991, c. 518, §19, is
23 repealed.

24 **Sec. 5. 20-A MRSA §8452, sub-§6, ¶A**, as amended by PL 1991, c. 518, §19, is
25 further amended to read:

26 A. The superintendents of the units within the region shall call a meeting of the
27 cooperative board ~~members appointed pursuant to subsection 5.~~

28 **Sec. 6. 20-A MRSA §8453-A, sub-§§1 and 2**, as enacted by PL 1991, c. 518,
29 §21, are amended to read:

30 **1. Requirements.** ~~Each~~ In accordance with rules adopted by the state board under
31 section 405, subsection 11 and the decision of the school boards of the units located in a
32 region in accordance with section 8452, each member of a cooperative board must:

33 A. Represent a unit or group of units within the region; and

34 B. Represent a unit in which the member resides; ~~and.~~

1 C. ~~Represent approximately the same number of persons residing within the region~~
2 ~~as each other member of the cooperative board or, by means of weighted voting, cast~~
3 ~~a vote on the cooperative board that is approximately equal to the number of persons~~
4 ~~in the region represented by the member relative to the number of persons in the~~
5 ~~region as a whole.~~

6 **2. Members of school boards.** A person ~~appointed~~ elected to a cooperative board is
7 not required to be a member of a school board ~~that appoints that member to that~~
8 ~~cooperative board.~~

9 **Sec. 7. 20-A MRSA §8453-B** is enacted to read:

10 **§8453-B. Reapportionment**

11 The membership of a cooperative board may be reapportioned in accordance with
12 this section.

13 **1. Duties of commissioner.** Membership of cooperative boards must be apportioned
14 in accordance with the one-person, one-vote principle. The commissioner shall
15 determine if the membership of a cooperative board is apportioned in accordance with the
16 one-person, one-vote principle if:

17 A. The commissioner receives a request by the cooperative board; or

18 B. The commissioner receives a petition signed by a number of voters within the
19 region equal to at least 10% of the voters who voted in the last gubernatorial election
20 in that region.

21 In addition to a determination initiated by a request pursuant to paragraph A or a petition
22 pursuant to paragraph B, the commissioner may, of the commissioner's own accord,
23 determine that board membership is not apportioned according to the one-person, one-
24 vote principle.

25 The commissioner shall make a determination under paragraph A or B within 30 days of
26 receiving the request or the petition.

27 **2. Awaiting census results.** If the commissioner receives a request or petition
28 pursuant to subsection 1 within 12 months before a Federal Decennial Census or Federal
29 Estimated Census, the commissioner may wait until after the new census figures are
30 available to make the determination under subsection 1.

31 **3. Findings and order.** If the commissioner finds the cooperative board
32 representation is not apportioned in accordance with the principle of one person, one
33 vote, the commissioner, within 7 days of that decision, shall notify the cooperative board
34 of the finding and order the cooperative board to notify the school boards of the units
35 located in the region and the cooperative board to create a reapportionment committee.
36 The cooperative board's notification must include the commissioner's notification, the
37 information provided pursuant to subsection 6 and the time and place for the first meeting
38 of the committee, which must be held not later than 20 days after the cooperative board's
39 notification.

1 **4. Reapportionment committee membership.** The reapportionment committee
2 consists of one school board member and one citizen from each unit within the region,
3 chosen by the respective school boards, and one member of the cooperative board, chosen
4 by the cooperative board. The appointments must be made prior to the first meeting of the
5 committee.

6 **5. Quorum.** A majority of the reapportionment committee constitutes a quorum.

7 **6. Duties of commissioner.** The commissioner shall provide the reapportionment
8 committee with the most recent Federal Decennial Census or Federal Estimated Census
9 figures for each unit within the region and at least one recommended apportionment plan.

10 **7. Duties of the reapportionment committee.** The reapportionment committee
11 shall:

12 A. Elect a chair and secretary and may adopt suitable rules of procedure;

13 B. Consider and by majority vote adopt a reapportionment plan including the method
14 of representation, total number of cooperative board members and number of
15 cooperative board members representing each unit or group of units; and

16 C. Within 90 days of the first meeting, send a report of the committee's
17 reapportionment plan to the commissioner for approval. The committee may, within
18 the 90-day limit, submit alternative plans for apportionment.

19 **8. Commissioner approval.** The commissioner shall approve or disapprove the
20 reapportionment committee's plan under subsection 7 within 30 days of receiving it.

21 **9. Failure to gain commissioner approval.** If a reapportionment plan has not been
22 adopted by the reapportionment committee within the time limit of subsection 7 or
23 approved by the commissioner within the time limit of subsections 7 and 8, the
24 commissioner shall prepare a suitable plan.

25 **10. Putting the approved plan into effect.** On approval of a reapportionment plan,
26 the commissioner shall send a certified copy of the plan to the school boards within the
27 region and the cooperative board. The original reapportionment plan must be retained in
28 department files.

29 A. The reapportionment plan takes effect immediately upon approval by the
30 commissioner. The reapportionment committee shall determine the terms of the
31 members to be elected at the next annual elections to comply with the plan.

32 B. If the reapportionment plan requires a reduction of the number of members to be
33 elected in a unit, the reduction must be achieved in accordance with this paragraph.

34 (1) If possible, the reduction must be achieved by the voluntary resignation of
35 one or more of the members.

36 (2) If the reduction cannot be achieved in accordance with subparagraph (1) and
37 the plan is approved by the commissioner and filed less than 30 days prior to the
38 annual election, the number of open positions to be filled by the election process
39 must be reduced to the number required by the approved plan.

1 of rules by the state board, adoption of procedures by each region and the holding of the
2 necessary elections.