

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1443

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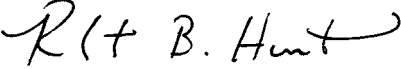
H.P. 939

House of Representatives, March 30, 2023

### **An Act to Establish a Recall Process for Public School Board Members**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative SAYRE of Kennebunk.  
Cosponsored by Senator INGWERSEN of York and  
Representatives: GERE of Kennebunkport, MOONEN of Portland, MURPHY of Scarborough,  
SARGENT of York, Senator: RAFFERTY of York.

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

2 **Sec. 1. 20-A MRSA §1005** is enacted to read:

3 **§1005. Recall of school board members**

4 **1. Grounds for recall.** Notwithstanding any provision of law or municipal charter to  
5 the contrary, a school board member may not be recalled unless the school board member:

6 A. While acting as a school board member, has behaved in a manner that relates to and  
7 adversely affects the administration of the school board member's office and the rights  
8 and interests of the public;

9 B. Has committed an act of misconduct in office;

10 C. Has failed to perform duties prescribed by law; or

11 D. Has willfully misused, converted or misappropriated, without authority, public  
12 property or public funds entrusted to or associated with the school board.

13 A school board member's discretionary performance of a lawful act or a prescribed duty is  
14 not a ground for recall.

15 **2. Procedure.** For a school board member to be recalled from a school board, 25% of  
16 voters in the municipality in which the member was elected or, if the member was elected  
17 at large, 25% of the voters in the school administrative unit who voted at the last  
18 gubernatorial election must sign a petition to recall the member from the school board. The  
19 recall must be approved by a majority of voters in an election in which the total vote is at  
20 least 25% of the number of votes cast in the municipality or, if the member was elected at  
21 large, 25% of the number of votes cast in the school administrative unit in the last  
22 gubernatorial election.

23 **Sec. 2. 30-A MRSA §2505, first ¶**, as enacted by PL 2011, c. 324, §1, is amended  
24 to read:

25 Except as otherwise provided by the municipality's ordinances or charter, an elected  
26 official of a municipality may be recalled from office pursuant to this section. For purposes  
27 of this section, "official" has the same meaning as section 2604, subsection 2, except that  
28 this section does not apply to the recall of a member of a school board, which is governed  
29 pursuant to Title 20-A, section 1005.

30 **SUMMARY**

31 This bill provides that public school board members may only be recalled for specified  
32 behavior or misconduct and may not be recalled for the discretionary performance of a  
33 lawful act or prescribed duty of the school board member. The petition to recall the school  
34 board member must be signed by 25% of the voters who voted in the last gubernatorial  
35 election in the municipality or, if applicable, the school administrative unit, from which the  
36 school board member was elected and must be approved by a majority of voters in an  
37 election in which the total vote is at least 25% of the number of votes cast in the  
38 municipality or, if applicable, the school administrative unit, in the last gubernatorial  
39 election.