



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1013

H.P. 749

House of Representatives, March 10, 2011

An Act Regarding School Board Members and Their Spouses

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative O'BRIEN of Lincolnville.
Cosponsored by Senator THIBODEAU of Waldo.

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

2 **Sec. 1. 20-A MRSA §1002, sub-§2,** as amended by PL 1999, c. 128, §2, is
3 repealed and the following enacted in its place:

4 **2. Employment by school administrative unit, school union, academy;**
5 **exception. Employment of a member of a school board or spouse of that member by a**
6 **school administrative unit is controlled by this subsection.**

7 A. A member of a school board or spouse of a member may not be an employee in a
8 public school within the jurisdiction of the school board to which the member is
9 elected or in a contract high school or academy located within a supervisory union in
10 which the member is a representative on the union committee.

11 B. Paragraph A does not apply if:

12 (1) The spouse of the member is employed in the school as a part-time substitute
13 teacher or a coach or in some other extracurricular position; and

14 (2) The school administrative unit has a policy in place, approved by the
15 commissioner, to address potential conflicts of interest.

16 C. The commissioner may waive the provisions of paragraph A upon request by the
17 school administrative unit for those positions not described in paragraph B if:

18 (1) The school administrative unit has a policy in place, approved by the
19 commissioner, to address potential conflicts of interest; and

20 (2) The commissioner determines there is adequate reason to waive the
21 restrictions imposed in paragraph A. In making this determination, the
22 commissioner shall consider the size of the school administrative unit, the rural
23 or isolated nature of the school administrative unit and the difficulty in attracting
24 and retaining qualified individuals to the school administrative unit.

25 **SUMMARY**

26 Current law prohibits a member of a school board or the spouse of a member of a
27 school board from being an employee in a school that is within the jurisdiction of the
28 school board on which that member serves.

29 This bill provides for an exception to that prohibition if the spouse is employed as a
30 part-time substitute teacher or a coach or in some other extracurricular position and the
31 school administrative unit has a policy to handle conflicts of interest. This bill also, in
32 other cases, allows the Commissioner of Education to waive the prohibition if the school
33 administrative unit has a conflict of interest policy in place and can demonstrate, based on
34 the size of the school administrative unit, the geographic location of the school
35 administrative unit and the difficulty in getting employees, that the waiver is appropriate.