



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1638

S.P. 527

In Senate, April 25, 2019

### **An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CHENETTE of York.

Cosponsored by Senators: CARSON of Cumberland, MILLETT of Cumberland.

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

2 **Sec. 1. 20-A MRSA §2405, sub-§8, ¶A,** as amended by PL 2013, c. 368, Pt.  
3 JJJJ, §2, is further amended to read:

4 A. The commission consists of 7 members ~~appointed by the state board for 3-year~~  
5 ~~terms.~~ The commission shall elect a chair and such other officers as may be  
6 necessary to conduct its business. Four members constitute a quorum.

7 (1) Three members must be members of the state board, appointed by the state  
8 board for 3-year terms, and ~~those 3 members shall nominate~~ the other 4 members  
9 ~~who must be approved by a majority vote of the state board~~ are appointed by the  
10 Governor for 4-year terms.

11 (2) Members appointed to the commission must have diverse professional  
12 experience in education, social services, youth training, business startup and  
13 administration, accounting and finance, strategic planning and nonprofit  
14 governance. ~~The following provisions apply to the appointment of the 4 other~~  
15 ~~members nominated and appointed by state board members pursuant to~~  
16 ~~subparagraph (1):~~ In appointing members to the commission, the Governor shall  
17 give proper consideration to candidates with experience in a noncharter public  
18 school in the State in one of the following positions: school board member,  
19 superintendent, teacher and special education director.

20 ~~(a) In appointing members to the commission, the state board shall give~~  
21 ~~proper consideration to candidates with experience in a noncharter public~~  
22 ~~school in the State in one of the following positions: school board member,~~  
23 ~~superintendent, teacher and special education director;~~

24 ~~(b) The state board shall ensure that the joint standing committee of the~~  
25 ~~Legislature having jurisdiction over education matters has an opportunity to~~  
26 ~~meet and interview the candidate or candidates nominated for the~~  
27 ~~commission;~~

28 ~~(c) Within 10 days of meeting with the candidate or candidates, the joint~~  
29 ~~standing committee of the Legislature having jurisdiction over education~~  
30 ~~matters shall deliver to the state board its written appraisal of the strengths~~  
31 ~~and weaknesses of the candidate or candidates; and~~

32 ~~(d) The state board shall consider the appraisal of the joint standing~~  
33 ~~committee of the Legislature having jurisdiction over education matters prior~~  
34 ~~to appointing a candidate or candidates to the commission.~~

35 (3) A commission member may not serve more than 3 consecutive terms, but  
36 may serve again after not serving on the commission for at least one term.

37 (4) A commission member may receive an amount equal to the legislative per  
38 diem and be reimbursed for expenses.

39 (5) A commission member who is a member of the state board serves on the  
40 commission only during that person's membership on the state board. Upon  
41 expiration of that person's state board membership, the position on the

1 commission becomes vacant and must be filled in the manner provided for filling  
2 vacancies. ~~The term of a member who is approved by the state board and~~  
3 ~~reviewed by the joint standing committee of the Legislature having jurisdiction~~  
4 ~~over education matters ends on June 30th of the final year of the member's term.~~

5 (6) A vacancy on the commission must be filled in the same manner as the  
6 position in which the vacancy occurs is regularly filled, ~~including, if applicable, a~~  
7 ~~review by the joint standing committee of the Legislature having jurisdiction over~~  
8 ~~education matters.~~ A vacancy is filled for the remainder of the unexpired term.  
9 If the person serves more than 1 1/2 years of an unexpired term, that service  
10 counts as one term for purposes of the limitation set forth in subparagraph (3).

11 (7) A member of the commission may be removed for failure to perform the  
12 duties of office, as specified in commission rules, by a majority vote of the state  
13 board.

14 **Sec. 2. Maine Charter School Commission membership; staggered terms.**

15 A member of the Maine Charter School Commission serving on the effective date of this  
16 Act who is a member of the State Board of Education may continue to serve until that  
17 member's term has expired. The terms of members of the Maine Charter School  
18 Commission serving on the effective date of this Act who are not members of the State  
19 Board of Education end on the effective date of this Act. Notwithstanding the Maine  
20 Revised Statutes, Title 20-A, section 2405, subsection 8, paragraph A, of the initial  
21 gubernatorial appointments to the Maine Charter School Commission, 2 must be for  
22 terms of 4 years and 2 must be for terms of 2 years.

23 **SUMMARY**

24 This bill changes the appointing authority for 4 members of the Maine Charter School  
25 Commission from the State Board of Education to the Governor and increases the terms  
26 of those members from 3 years to 4 years.