

Stephen Sayers
Kennebunk
LD 1443

To: Senator Nangle, Rep. Stover, and Honorable Members of the Committee on State and Local Government: my name is Stephen Sayers and I wish to speak IN FAVOR OF LD No. 1443. I am a resident of Kennebunk. This bill seeks to create a single statewide recall policy for school board members. It has a series of strict limitations that would prevent a repetition of the recall election fiascos that have recently afflicted Kennebunk and other municipalities. Unlike many municipal charters, which leave the circumstances justifying a recall vague and undefined, this bill provides specifics as to the misconduct necessary to justify a recall, and explicitly states that the discretionary performance of prescribed school board duties (such as, for example, adopting policies to implement statewide anti-discrimination laws), cannot be the basis of a legitimate recall petition. This sensible and long-overdue statewide approach also recognizes the significant differences between school board members and other municipal officials. "Of Maine's political bodies, school boards may well be the most complex and least understood." "Maine School Boards Are Unique: Understanding that Uniqueness Important," School Law Advisory #510 (Feb. 2006)(prepared by Drummond, Woodsum & MacMahon). In *Shaw v. Small*, 124 Me. 36, 41 (1924), the Supreme Court of Maine stated that "the (school) committee acts as a public board. It in no sense represents the town. Its members are chosen by the voters of the town, but after election they are public officers deriving their authority from the law and responsible to the State for the good faith and rectitude of their acts." The current laws applicable to school board members and recall elections lump those members together with municipal officials, turning a blind eye to a century of principled adjudication to the contrary. Rep. Sayre's bill restores the differentiation of school board members from other municipal officials. The requirement for statewide standards and uniform statewide treatment for school board members will contribute importantly to ensuring that the recall process does not become politicized and used as a weapon for illegitimate reasons of the type on display in a number of recent recall elections. It will also prevent this process, which should be extraordinary and reserved for the most egregious misconduct, from becoming routine and a continual source of contention and divisiveness in local communities.