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March 24, 2025

Testimony of Representative Dan Sayre introducing

L.D. 849, An Act to Establish a Recall Process for Public School Board Members

Before the Joint Standing Committee on State and Local Government

Friends and colleagues, Senator Baldacci, Representative Salisbury and distinguished members of the Joint Standing Committee on Taxation, my name is Dan Sayre, and I represent House District 135, which includes part of Kennebunk. I am here to present **LD 849, An Act to Establish a Recall Process for Public School Board Members**.

Let me start by explaining what problem this bill intends to solve, and how it is intended to work. Maine's public schools are governed by state law and managed locally. Governance of those schools is delegated to boards or committees of citizens elected by their communities. Management of the schools is the responsibility of superintendents, whom the boards oversee.

School board members bear significant responsibility for approving budgets, establishing policy and ensuring that applicable law is followed. All these responsibilities are areas of great controversy in our communities. School systems make up the majority of most local government budgets, meaning they are the primary driver of property taxes. School policies affect the children of our communities and nothing, I would venture to say, arouses as much emotion as the well-being of our children. And schools are subject to numerous state and federal laws that inspire fierce public debate. It's a tough environment in which to work as a volunteer.

Under current law, school board members, once elected, are entitled to complete their terms of office unless convicted of a crime "the victim of which is the municipality," per MRSA 30-A section 2505. Or they may be recalled, if their local charter permits recall.

And that is where this bill comes in. Only some of Maine's 500 municipalities have charters, and only some of those include recall provisions. Many School Administrative Units encompass more than one municipality, meaning that many boards are made up of members who are subject to different rules for recall, whether it is permitted at all, and if so, how?

In addition to confusion regarding what the rules are and how they rules apply, there is a deeper problem. The threat of recall is now widely used as a form of political pressure. Let me be clear,

school boards need to receive and respond to the public interest. That is why we have elections and specified terms.

But recall is a tool to terminate a school board member's term before it is complete. That is a serious step to take, because it undoes the will of the voters who elected that person to complete that term. Used effectively, a recall election, or the threat of one, enables a community to remove a malicious or incompetent official more quickly than waiting for the next election. However, this tool may also be abused by small groups within a community who seek to disrupt or negate policies they oppose, irrespective of applicable law or the will of the majority of their neighbors.

This bill is designed to do three things:

1. It establishes a consistent standard and process for the recall of a school board member that aligns statewide.
2. It defines specific grounds for recall, including what cannot be grounds for recall.
3. It establishes thresholds for the number of voters who must support a recall petition and election for a recall to be valid.

I can delve into the details of these three objectives, but I should be clear that I no longer regard this version of the bill as sufficient to meet its objectives. I learned just last night that the Maine School Board Association does not support this bill as drafted. I have reviewed their testimony, which you will soon hear, and I agree that this bill should be revised to address those concerns. I intend to consult with them to prepare an amendment to this bill that will be suitable for your consideration in time for a work session.

I will be happy to answer any questions you have at this time.