



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 233

H.P. 186

House of Representatives, February 1, 2011

An Act To Establish the State Board of Education as the Appointing Authority for the Commissioner of Education

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 CLARK of Millinocket.
Cosponsored by Senator SAVIELLO of Franklin and
Representative: GIFFORD of Lincoln.

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

2 **Sec. 1. 20-A MRSA §251, sub-§1**, as repealed and replaced by PL 1983, c. 123,
3 is amended to read:

4 **1. Appointment.** The commissioner ~~shall be~~ is appointed by the ~~Governor state~~
5 board, subject to review by the joint standing committee of the Legislature having
6 jurisdiction over education matters and to confirmation by the Legislature.

7 ~~A. The Governor shall include the chairman of the State Board of Education in the~~
8 ~~selection process and shall ensure that the state board has an opportunity to meet and~~
9 ~~interview the candidate or candidates.~~

10 ~~B. Within 10 days of meeting with the candidate or candidates, the state board shall~~
11 ~~deliver to the Governor its written appraisal of the strengths and weaknesses of the~~
12 ~~candidate or candidates.~~

13 ~~C. The Governor shall consider the appraisal of the state board prior to posting the~~
14 ~~nomination of a candidate.~~

15 **Sec. 2. 20-A MRSA §251, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is
16 amended to read:

17 **2. Term.** The commissioner ~~shall serve~~ serves at the pleasure of the ~~Governor state~~
18 board.

19 **Sec. 3. 20-A MRSA §401-A, sub-§2**, as enacted by PL 1987, c. 395, Pt. A, §47,
20 is amended to read:

21 **2. Appointing and advising commissioner.** ~~Advising~~ Appointing and advising the
22 commissioner in the administration of all the mandated responsibilities of that position;
23 and

24 **Sec. 4. 20-A MRSA §405, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is
25 amended to read:

26 **2. Appointing and advisory role.** The state board shall appoint and advise the
27 commissioner concerning matters contained in this Title.

28 **SUMMARY**

29 This bill changes the authority for appointing the Commissioner of Education from
30 the Governor to the State Board of Education.