

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Application of Term Limits for the State Board of Education

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

Sec. 1. 20-A MRSA §401, sub-§4, as amended by PL 2005, c. 16, §1, is further amended to read:

4. Term. The term of office of each member is 5 years. A person may not serve more than any 2 5-year terms. A vacancy must be filled for the remainder of the unexpired term. If a person appointed to fill a vacancy serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed in this subsection. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.

Sec. 2. Application. Notwithstanding Public Law 2005, chapter 16, section 2, the limitation on terms served by members of the State Board of Education contained in the Maine Revised Statutes, Title 20-A, section 401, subsection 4 as amended by this Act applies to terms served by a person who is a member of the State Board of Education on the effective date of this Act except that that person may finish that person's term.

SUMMARY

This bill provides that if a person appointed to fill a vacancy on the State Board of Education serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed on board members. It also clarifies that the limitation on terms imposed on members of the State Board of Education applies to terms served by current board members except that if a current board member's service is in excess of that permitted by the limitation on terms, that member may finish the member's term.