

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 975 - L.D. 1323

An Act To Maximize Service to Students by Adopting Conditional Allowances for Participation by Families of School Board Members in School Activities

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

Sec. 1. 20-A MRS §1002, sub-§1, ¶A, as enacted by PL 1999, c. 128, §1, is amended to read:

A. "Employee" means a person who receives ongoing monetary payment or benefits, ~~no matter the amount paid or hours worked~~, for personal services performed for a school administrative unit.

Sec. 2. 20-A MRS §1002, sub-§1, ¶A-1 is enacted to read:

A-1. "Stipend employee" means a person who receives limited monetary payment or benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring or coaching capacity for a school administrative unit.

Sec. 3. 20-A MRS §1002, sub-§2, as amended by PL 1999, c. 128, §2, is further amended to read:

2. Employment by school administrative unit, school union, academy. A member of a school board or spouse of a member may not be an employee in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

A. A school board may, but is not required to, permit the spouse of a member of the school board to serve as a stipend employee on a contractual basis when that action is in the best interest of students and a summation of potential conflicts of interest is documented and a priori mitigations are described in the signed contract. A school board may adopt a written policy on nepotism that includes hiring practices for school-sanctioned stipend positions, discourages favoritism and political patronage, considers the needs of the school system and provides that all qualified applicants have a fair and

equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on family association.

This paragraph is repealed July 1, 2024.

Sec. 4. 20-A MRSA §1002, sub-§2-B is enacted to read:

2-B. Permissive volunteer placement by school administrative unit, school union, academy. Notwithstanding subsection 2-A, a school board may, but is not required to, permit a school board member's spouse to serve as a volunteer. A school board may adopt a written policy on nepotism to discourage favoritism and political patronage, consider the needs of the school system and provide that all volunteers have a fair and equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on family association.

This subsection is repealed July 1, 2024.