

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1517

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H.P. 1002

House of Representatives, April 8, 2025

### **An Act to Replace Participation Thresholds with Approval Thresholds in Certain School, Municipal and County Measures**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SATO of Gorham.

Cosponsored by Representatives: BRIDGEO of Augusta, DEBRITO of Waterville, DHALAC of South Portland, MURPHY of Scarborough.

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

2       **Sec. 1. 20-A MRSA §1466, sub-§9**, as amended by PL 2013, c. 461, §1, is further  
3 amended to read:

4       **9. Required vote.** Before the municipality may withdraw from the regional school  
5 unit, the withdrawal agreement must be approved by a majority vote of those casting valid  
6 votes in the municipality, and the total number of votes cast for ~~and against~~ withdrawal at  
7 the municipal vote must ~~equal or~~ exceed ~~50%~~ 25% of the total number of votes cast in the  
8 municipality for Governor at the last gubernatorial election.

9       **Sec. 2. 20-A MRSA §1466, sub-§13**, as amended by PL 2013, c. 461, §6, is further  
10 amended to read:

11       **13. Determination of results; execution of agreement.** Except for a school  
12 administrative district that was reformulated as a regional school unit pursuant to Public  
13 Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law  
14 2007, chapter 668, section 48, if the commissioner finds that a majority of the voters voting  
15 on the article has voted in the affirmative and the total number of votes cast for ~~and against~~  
16 the article ~~equal or~~ exceed ~~50%~~ 25% of the total number of votes cast in the municipality  
17 for Governor at the last gubernatorial election, the commissioner shall notify the municipal  
18 officers and the regional school unit board to take steps for the withdrawal in accordance  
19 with the terms of the agreement for withdrawal. For a municipality that is part of a school  
20 administrative district that was reformulated as a regional school unit pursuant to Public  
21 Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law  
22 2007, chapter 668, section 48, if the commissioner finds that at least 2/3 of the votes validly  
23 cast in the municipality are in the affirmative, the commissioner shall notify the municipal  
24 officers and the regional school unit board to take steps for the withdrawal in accordance  
25 with the terms of the agreement for withdrawal.

26       **Sec. 3. 20-A MRSA §1704, sub-§2, ¶C**, as amended by PL 2001, c. 375, §5, is  
27 further amended to read:

28       C. Municipal approval must be in the same manner as the original formula was adopted  
29 when the community school district was formed, except that, if the proposed change is  
30 an alternative cost-sharing plan under subsection 1, paragraph E, the change must be  
31 approved by a majority of voters voting in a referendum in each municipality. The  
32 total vote cast in favor of the referendum in each of the member municipalities must  
33 ~~be at least 20%~~ exceed 10% of the number of votes cast in each of the member  
34 municipalities in the last gubernatorial election.

35       **Sec. 4. 20-A MRSA §15693, sub-§3, ¶A**, as enacted by PL 2005, c. 2, Pt. D, §62  
36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

37       A. Except as provided in subsection 4, the budget format is that prescribed by a  
38 majority of the school board until an article prescribing the school budget format is  
39 approved by a majority of voters in an election in which the total ~~vote is at least 20%~~  
40 number of votes in favor exceeds 10% of the number of votes cast in the municipality  
41 in the last gubernatorial election, or ~~200~~ 100, whichever is less.

42       **Sec. 5. 20-A MRSA §15693, sub-§4**, as enacted by PL 2005, c. 2, Pt. D, §62 and  
43 affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

1       **4. Budget format; town or city charter.** In a municipality where the responsibility  
2 for final adoption of the school budget is vested by municipal charter in a council, the  
3 school budget format may be changed through amendment of the charter under the home  
4 rule procedures of Title 30-A, chapter 111, except that the amendment must be approved  
5 by a majority of voters in an election in which the total ~~vote is at least 20%~~ number of votes  
6 in favor exceeds 10% of the number of votes cast in the municipality in the last  
7 gubernatorial election.

8       **Sec. 6. 30-A MRSA §125, sub-§1, ¶B,** as amended by PL 2007, c. 321, §1, is  
9 further amended by amending subparagraph (1) to read:

10           (1) All bonds issued by the county commissioners for the purposes of this section  
11 must be approved by a majority vote of the county budget committee or county  
12 advisory budget committee. All bonds must be approved prior to issuance by the  
13 voters of the county by referendum vote in accordance with section 938, except  
14 that a referendum for this purpose may be conducted at any regular or special  
15 county election at which the total number of votes cast for ~~and against~~ the proposed  
16 bond issue ~~is equal to at least 50%~~ exceeds 25% of the total number of votes cast  
17 in the county for all gubernatorial candidates in the most recent gubernatorial  
18 election.

19       **Sec. 7. 30-A MRSA §2105, sub-§4,** as enacted by PL 1987, c. 737, Pt. A, §2 and  
20 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
21 amended to read:

22       **4. Effective date.** If a majority of the ballots cast on any question under subsection 1  
23 or 2 favor acceptance, the new charter, charter revision, charter modification or charter  
24 amendment becomes effective as provided in this subsection, ~~provided as long as~~ the total  
25 number of votes cast for ~~and against~~ the question ~~equals or exceeds 30%~~ 15% of the total  
26 votes cast in the municipality at the last gubernatorial election.

27           A. Except as provided in subparagraph (1), new charters, charter revisions or charter  
28 modifications adopted by the voters take effect on the first day of the next succeeding  
29 municipal year.

30           (1) New charters, charter revisions or charter modifications take effect  
31 immediately for the purpose of conducting any elections required by the new  
32 provisions.

33           B. Charter amendments adopted by the voters take effect on the date determined by  
34 the municipal officers, but not later than the first day of the next municipal year.

35       **Sec. 8. 30-A MRSA §2526, sub-§5, ¶A,** as amended by PL 2021, c. 275, §28, is  
36 further amended to read:

37           A. A town may determine at a meeting of its legislative body held at least 90 days  
38 before the annual meeting whether a single assessor will be appointed under  
39 subparagraph (3) or a board of 3, 5 or 7 will be elected and the term of office of the  
40 assessor or assessors. In towns where the municipal legislative body is the town  
41 meeting, the determination is effective only if the total number of votes cast for ~~and~~  
42 ~~against~~ the determination ~~equals or exceeds 10%~~ 5% of the number of votes cast in the  
43 town at the last gubernatorial election.

(1) Once a determination has been made, it stands until revoked at a meeting held at least 90 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it is for one year.

(3) When a town has chosen a single assessor under this paragraph, the select board shall appoint the assessor for a term not exceeding 5 years.

**Sec. 9. 30-A MRSA §5102, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Favorable vote.** If a majority of the ballots cast on this question favor acceptance, this law becomes effective immediately upon declaration of the vote by the municipal officers, provided as long as the total number of votes cast for ~~and against~~ the acceptance of the Act ~~equals or exceeds 20%~~ 10% of the total votes cast in the municipality for all candidates for Governor at the last gubernatorial election.

**Sec. 10. 30-A MRSA §5404, sub-§1, ¶A**, as amended by PL 2011, c. 255, §10, is further amended to read:

A. Revenue bonds of a town, as distinguished from a city, may not be issued until the general purpose for which the bonds are to be issued and the maximum principal amount of the bonds to be authorized have been approved by ballot by a majority of the votes cast on the question. The total number of votes cast for the bond must ~~be equal to at least 20%~~ exceed 10% of the total vote for all candidates for Governor cast in the municipality at the last gubernatorial election. The ballot submitted to the voters of a town to authorize the issuance of revenue bonds must state the general purpose for which the proposed bonds are to be issued and the maximum principal amount of the proposed bonds authorized to be issued. The voting at meetings held in towns must be held and conducted in accordance with sections 2528 to 2531-B, even if the town has not accepted the provisions of section 2528.

**Sec. 11. 30-A MRSA §7209, sub-§2**, as enacted by PL 1989, c. 216, §2, is amended to read:

**2. Requirements for approval.** The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, the deorganization must be approved by at least 2/3 of the voters voting in the general election and the total number of votes cast for ~~and against~~ deorganization at the election must ~~equal or exceed 50%~~ 1/3 of the total number of votes cast in the municipality for Governor at the last gubernatorial election.

**Sec. 12. 35-A MRSA §3903, sub-§4**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**4. Favorable vote.** If a majority of the legal votes cast on this question favor incorporation, a municipal power district may be created for that municipality under this chapter upon declaration of the vote by the municipal officers, provided that as long as the total number of votes cast for ~~and against~~ the incorporation ~~equals or exceeds 40%~~ 20% of the total votes cast in that municipality for all candidates for Governor at the previous gubernatorial election. If not, the proposed district is not created at that time. Upon

1 certification of a favorable vote by the municipal officers, the commission shall approve  
2 formation of the district if the commission finds that formation would be in conformance  
3 with the requirements of this Title. Upon approval by the commission, the district is created  
4 and the commission shall file certification of that approval with the Secretary of State.

5 **Sec. 13. 35-A MRSA §3904, sub-§4**, as enacted by PL 1987, c. 141, Pt. A, §6, is  
6 amended to read:

7 **4. Favorable vote.** If, in each municipality, a majority of the legal votes cast on this  
8 question favor incorporation, a municipal power district may be created for those  
9 municipalities under this chapter upon declaration of the vote of the municipal officers,  
10 ~~provided that as long as~~ the total number of votes cast in each municipality for ~~and against~~  
11 the incorporation ~~equals or exceeds 40%~~ 20% of the total votes cast in the municipality for  
12 all candidates for Governor at the previous gubernatorial election. Upon certification of a  
13 favorable vote by the municipal officers, the commission shall approve formation of the  
14 district if the commission finds that formation would be in conformance with the  
15 requirements of this Title. Upon approval by the commission, the district is created and  
16 the commission shall file certification of that approval with the Secretary of State.

17 **Sec. 14. 38 MRSA §1101, sub-§1-A**, as enacted by PL 1981, c. 466, §2, is amended  
18 by amending the 2nd blocked paragraph to read:

19 If the referendum question is approved by a majority of the legal voters voting at the  
20 election, ~~provided that as long as~~ the total number of votes cast for ~~and against~~ the  
21 referendum question ~~equals or exceeded 20%~~ 10% of the total number of votes cast in the  
22 proposed district in the last gubernatorial election, the municipal officers representing the  
23 residents of the proposed sanitary district shall file an application for that proposed district  
24 in accordance with subsection 1.

25 **Sec. 15. 38 MRSA §2002, sub-§2**, as amended by PL 1993, c. 721, Pt. E, §3 and  
26 affected by Pt. H, §1, is further amended by amending the 2nd blocked paragraph to read:

27 If the referendum question is approved by a majority of the legal voters voting at the  
28 election, ~~provided that as long as~~ the total number of votes cast for ~~and against~~ the  
29 referendum question ~~equals or exceeds 20%~~ 10% of the total number of votes cast in the  
30 proposed district in the last gubernatorial election, the municipal officers representing the  
31 residents of the proposed watershed district shall file a statement of intent to form the  
32 proposed district in accordance with subsection 1.

## 33 SUMMARY

34 Current law requires the total number of votes cast for certain school, municipal or  
35 county measures to be at least equal to or exceed a percentage of votes cast in the  
36 municipality or county, as relevant, in the last gubernatorial election in order for the result  
37 of the vote to be valid. This bill reduces the needed percentage of votes cast in the last  
38 gubernatorial election for the result to be considered valid but requires that percentage to  
39 be in favor of the measure being considered.