

MAINE STATE LEGISLATURE

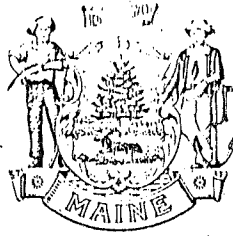
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79-103

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

May 21, 1979

Representative Harold Hanson
House of Representatives
State House
Augusta, Maine 04333

Re: The Authority of Citizens to Petition for the Creation of a
New Position of Business Manager.

Dear Representative Hanson:

You have inquired as to whether the petition presented to the Board of Directors in M.S.A.D. #57 to place an article on a school administrative district's budget warrant to implement a new position of Business Manager and to establish the initial salary for the position is authorized under 20 M.R.S.A. §226, sub-§2, paragraph B. It is the opinion of this office that §226, sub-§2, paragraph B authorizes the placement of such an article on the budget warrant if the Board of Directors have been properly petitioned.

The second paragraph in 20 M.R.S.A. §226, sub-§2, paragraph B states:

"When requested by 10% of the number of voters voting for the gubernatorial candidates at the last state-wide election in each municipality comprising a school administrative district, the Board of Directors shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration in the next annual district budget meeting, in accordance with this section." (Emphasis supplied)


The standard which the Legislature has established as controlling whether an article shall be placed in the warrant is whether the article is "in conflict with existing

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state statutes." The proposed article discussed above does not appear to be in conflict with any existing state statutes and it may, therefore, be placed on the warrant for the next district budget meeting.¹

I trust the above is dispositive of the question you presented.

Respectfully yours,



Waldemar G. Buschmann
Assistant Attorney General

WGB:lm

cc: H. Sawin Millett, Jr.

¹This opinion does not mean that all articles petitioned to be placed on the warrants for district budget meetings would necessarily qualify under 20 M.R.S.A. §226, sub-§2, paragraph B. Rather, each article would have to be reviewed to determine whether it met the standard set by the Legislature of not being "in conflict with existing state statutes."