

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 700

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S.P. 272

In Senate, March 8, 1989

Reference to the Committee on Education suggested and ordered printed.

*Joy J. O'Brien*

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRAWN of Knox (BY REQUEST).

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act to Amend the Alternative Election Procedure for School Budgets on a  
Local Basis.

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

3               **Sec. 1. 20-A MRSA §1305, sub-§3, as repealed and replaced by**  
5       **PL 1983, c. 770, §3, is amended to read:**

7               **3. Failure to approve a budget. If Except in districts**  
9       **which have voted to proceed under section 1305-A, if the budget**  
11       **or portion of the budget fails to receive a majority vote at the**  
13       **referendum, the board of directors shall decide in a public**  
15       **proceeding whether subsequent votes on the portion of the budget**  
17       **which was defeated shall be conducted in accordance with the**  
19       **referendum procedure in subsection 2, or at a district budget**  
21       **meeting held at a single place in the district, in accordance**  
23       **with procedures in sections 1303 and 1304. These referenda or**  
25       **meetings shall be held solely for the purpose of approving an**  
27       **alternative operating school budget to replace the part of the**  
29       **proposed budget which the voters failed to approve. The board**  
31       **may continue in this manner until an alternative budget is**  
33       **adopted.**

35               **Sec. 2. 20-A MRSA §1305-A is enacted to read:**

37               **§1305-A. Citizen-initiated alternative budget proposal**  
39               **procedure**

41               **If requested by a written petition of at least 10% of the**  
43       **number of voters voting in the last gubernatorial election in the**  
45       **municipalities within the district, the board of directors shall**  
47       **cause the following article to be voted on by the voters of the**  
49       **member municipalities.**

51               **"Shall School Administrative District No..... require that**  
53       **if the voters fail to approve all or any part of the**  
55       **operating school budget submitted by the board of directors,**  
57       **and if the voters approve a citizen-initiated budget**  
59       **proposal that does not conflict with any part of the school**  
61       **operating budget which the voters approve, no additional**  
63       **votes may be taken on the budget for the term of the budget?**

65                               **Yes                No                "**

67               **1. Procedure. The procedure for voting on the article**  
69       **shall be as follows.**

71               **A. On receipt of a request and if the request complies with**  
73       **the requirements of this section, the board of directors**  
75       **shall immediately notify the municipal officers within the**  
77       **district of the receipt of the request.**

79               **B. The municipal officers of each municipality within the**  
81       **district shall then cause the article to be placed on the**  
83       **ballots for that municipality for the next statewide**

1 election occurring at least 45 days after the date on which  
2 the municipal officers received the notice.

3  
4 C. The warrants, notices and voting procedures, including  
5 absentee voting procedures, shall be the same as those  
6 provided in Title 21-A, except that the duties of the  
7 Secretary of State shall be performed by the board of  
8 directors.

9  
10 D. Municipal clerks shall, within 24 hours of the  
11 determination of the results of the vote in their  
12 municipality, certify to the board of directors the total  
13 number of votes cast in the affirmative and in the negative  
14 on the article.

15  
16 E. As soon as all of the results from all of the  
17 municipalities have been returned to the board of directors,  
18 the board shall meet and compute the total number of votes  
19 cast in the affirmative and in the negative on the article  
20 in all of the municipalities within the district.

21  
22 F. If the board of directors determines that there were  
23 more votes cast in the affirmative than in the negative on  
24 the article, it shall declare that the article has passed.

25  
26 G. If the board of directors determines that the total  
27 number of votes cast on the article in the affirmative is  
28 equal to or less than those in the negative, it shall  
29 declare that the article has not passed.

30  
31 H. The board of directors shall enter its declaration and  
32 computations in its records and send certified copies of the  
33 declaration and computation to the municipal clerk of each  
34 municipality within the district.

35  
36 2. Citizen-initiated proposals; petition. Following the  
37 board of directors' declaration that the article has passed, the  
38 voters may petition to place on the warrant one or more articles  
39 proposing a part or all of an operating school budget as an  
40 alternative to the operating school budget submitted by the  
41 board. The board shall place the article on the warrant if it  
42 receives a written petition of at least 10% of the number of  
43 voters voting in the last gubernatorial election in the  
44 municipalities within the district.

45  
46 3. No alternative budget approved. If the voters fail to  
47 approve a part or all of the operating school budget submitted by  
48 the board and if the voters fail to approve a citizen-initiated  
49 alternative budget proposal or there is no citizen-initiated  
50 budget proposal on the warrant, the procedures for alternative  
51 budget approval under section 1305, subsection 3, apply.

1        4. Reconsideration of citizen-initiated alternative budget  
2        proposal procedure. If a school administrative district has  
3        adopted the citizen-initiated alternative budget proposal  
4        procedure in accordance with this section, then the board of  
5        directors may submit the following article to the voters not more  
6        than once every 3 years to determine if the district will change  
7        its budget approval procedure to the procedure set out in section  
8        1305, subsection 3.

9                "Shall School Administrative District No..... change  
10               its budget approval procedure so that future district  
11               budget meetings and special district budget meetings do  
12               not provide for citizen-initiated alternative budget  
13               proposals?

14                                Yes                                No"

15                A. The process for reconsideration may be initiated either  
16                by the board of directors or by a written petition of at  
17                least 10% of the number of voters voting in the last  
18                gubernatorial election in the municipalities within the  
19                district.

20                B. The procedure for voting on the article and for carrying  
21                out the election shall be that set forth in subsection 1.

22                C. If the article passes, then future district budgets will  
23                be adopted in accordance with section 1305. If the article  
24                fails to pass, then citizen-initiated alternative budget  
25                proposals may be included in the warrant under this section,  
26                and alternative budgets may be approved only as provided in  
27                this section.

## 28                                STATEMENT OF FACT

29                The purpose of this bill is to eliminate multiple school  
30                administrative district budget meetings and votes when the budget  
31                submitted by the board of directors is not approved by the first  
32                vote. Under current law, the board must continue to present  
33                revised budgets until the voters of the district approve one.

34                This bill allows the voters in districts to choose by  
35                referendum whether to allow citizen-initiated alternative budget  
36                proposals at the budget election. If the district does allow the  
37                alternative budget proposals, no additional votes can be taken on  
38                the budget if the board's budget is not approved in its entirety  
39                and one or more citizen-initiated alternative proposals are  
40                approved. If no citizen-initiated budget proposal is approved,  
41                or no citizen-initiated budget proposal is on the warrant, and  
42                the budget submitted by the board is not approved, the current  
43                law will apply; the board must submit revised budgets to

- 1 district meetings until one is approved. The voters of the
- district may reconsider the decision to allow the
- 3 citizen-initiated proposals and prohibit additional votes on the
- budget.