

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 717

H.P. 532

House of Representatives, March 8, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SEAVEY of Kennebunkport.

Cosponsored by Representative RIDLEY of Shapleigh and Senator ESTES of York.

STATE OF MAINE

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

An Act Concerning Voting Procedures for School District Budgets.



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

3 **Sec. 1. 20-A MRSA §1302, sub-§2, as enacted by PL 1981, c.**
5 693, §§5 and 8, is amended to read:

7 **2. Distribution.** At least 7 days before the district
9 budget referendum or meeting, the board of directors shall make
11 available to the legislative body responsible for final budget
approval and residents of the district, a detailed budget
document. It shall include a summary of anticipated revenues and
estimated school expenditures.

13 **Sec. 2. 20-A MRSA §1303, as enacted by PL 1981, c. 693, §§5**
15 **and 8, is repealed.**

17 **Sec. 3. 20-A MRSA §§1303-A and 1303-B are enacted to read:**

19 **§1303-A. District budget referendum**

21 **1. Referendum.** The district budget shall be submitted to
23 the voters of the district for approval. The voting shall be by
25 referendum held in each municipality in the district, in
accordance with the procedures set out in sections 1351 to 1354,
except that the warrant for the meeting shall:

27 **A. Be prepared and distributed at least 14 days prior to**
the date of the referendum;

29 **B. Specify the state and local shares of the state-local**
31 **allocation and local leeway and additional expenditures**
without state participation; and

33 **C. Be directed to a resident of the district by name**
35 **ordering the resident to notify all voters within the**
district to assemble at the time and place appointed.

37 **2. Notice.** An attested copy of the warrant shall be posted
39 by the person to whom it is directed in some conspicuous public
41 place in each of the municipalities within the district at least
43 7 days before the referendum. The person who gives notice of the
meeting shall make a return of the posting on the warrant stating
the manner of notice in each municipality and the time when it
was given.

45 **3. Requested articles.** If requested by a written petition
47 of at least 10% of the number of voters voting for the
gubernatorial candidates in the last gubernatorial election in
49 each municipality within the district, the board of directors
shall place specific articles, not in conflict with existing
state laws, in the warrants for consideration at the next annual
51 district budget referendum. To be included in the warrant, a

1 petition shall be received by the board of directors at least 15
2 days before the date set for the budget referendum.

3 4. Board responsibilities. The board may hold
4 informational meetings on voting procedure and budget prior to
5 voting. The board shall be responsible for the form of the
6 articles to be voted on in the municipalities, except as
7 otherwise provided by law.

8 §1303-B. Failure to approve a budget

9
10 If the budget or portion of the budget fails to receive a
11 majority vote at the referendum, the board of directors shall
12 decide in a public proceeding whether subsequent votes on the
13 portion of the budget which was defeated shall be conducted in
14 accordance with the referendum procedure in section 1303-A, or at
15 a district budget meeting held at a single place in the district,
16 in accordance with procedures in sections 1305-A to 1305-C.
17 These referenda or meetings shall be held solely for the purpose
18 of approving an alternative operating school budget to replace
19 the part of the proposed budget which the voters failed to
20 approve. The board may continue in this manner until an
21 alternative budget is adopted.

22 Sec. 4. 20-A MRSA §1304, as amended by PL 1983, c. 770, §1,
23 is repealed.

24 Sec. 5. 20-A MRSA §1305, as amended by PL 1987, c. 637, §§1
25 and 2, is repealed.

26 Sec. 6. 20-A MRSA §§1305-A to 1305-D are enacted to read:

27 §1305-A. Alternative approval procedure

28 If requested by a written petition of at least 10% of the
29 number of voters voting in the last gubernatorial election in the
30 municipalities within the district, the board of directors shall
31 cause the following article to be voted on by the voters of the
32 member municipalities.

33 "Shall School Administrative District No. _____ require that
34 the voting on future district budgets be held by the
35 alternative method, which is voting at a district meeting,
36 instead of using the referendum procedure?

37 _____ Yes _____ No"

38 1. Procedure. The procedure for voting on the article
39 shall be as follows.

40 A. On receipt of a request and if the request complies with
41 the requirement of this section, the board of directors

1 shall immediately notify the municipal officers within the
2 district of the receipt of the request.

3
4 B. The municipal officers of each municipality within the
5 district shall then cause the article to be placed on the
6 ballots for that municipality for the next statewide
7 election occurring at least 45 days after the date on which
8 the municipal officers received the notice.

9
10 C. The warrants, notices and voting procedures to be
11 followed within a municipality, including absentee voting
12 procedures, shall be the same as those provided in Title 21,
13 except that the duties of the Secretary of State shall be
14 performed by the board of directors.

15
16 D. Municipal clerks shall, within 24 hours of the
17 determination of the results of the vote in their
18 municipality, certify to the board of directors the total
19 number of votes cast in the affirmative and in the negative
20 on the article.

21
22 E. As soon as all the results from all the municipalities
23 have been returned to the board of directors, the board
24 shall meet and compute the total number of votes cast in the
25 affirmative and in the negative on the article in all the
26 municipalities within the district.

27
28 F. If the board of directors determines that there were
29 more votes cast in the affirmative than there were in the
30 negative on the article, they shall declare that the article
31 has passed.

32
33 G. If the board of directors determines that the total
34 number of votes cast on the article in the affirmative is
35 equal to or less than those in the negative, they shall
36 declare that the article has not passed.

37
38 H. The board of directors shall enter their declaration and
39 computations in their records and send certified copies of
40 it to the municipal clerk of each municipality within the
41 district.

42
43 2. Application. Following the board of director's
44 declaration that the article has passed, the board shall cause
45 the voting on all future district budgets to be by district
46 meeting.

47
48 **§1305-B. District budget meeting**

49
50 If the alternative budget approval procedure has been
51 adopted by a district, the school board shall hold a district
budget meeting at a time it determines.

1
3 1. Warrant. The budget meeting shall be called by a
warrant. The warrant shall:

5 A. Be signed by a majority of the board of directors;

7 B. Specify the time and place of the meeting;

9 C. Include the proposed school budget and other articles
11 the school board chooses to place before the voters,
13 excluding authorization to borrow money for school
construction purposes;

15 D. Specify the state and local shares of the state-local
allocation and local leeway and additional expenditures
17 without state participation; and

19 E. Be directed to a resident of the district by name
ordering the resident to notify all voters within the
21 district to assemble at the time and place appointed.

23 2. Notice. An attested copy of the warrant shall be posted
by the person to whom it is directed in some conspicuous public
25 place in each of the municipalities within the district at least
7 days before the meeting. The person who gives notice of the
27 meeting shall make a return of the posting on the warrant stating
the manner of notice in each municipality and the time when it
29 was given.

31 3. Requested articles. If requested by a written petition
33 of at least 10% of the number of voters voting for the
gubernatorial candidates in the last gubernatorial election in
35 each municipality within the district, the board of directors
shall place specific articles, not in conflict with existing
37 state laws, in the warrants for consideration at the next annual
district budget meeting. To be included in the warrant a
39 petition shall be received by the board of directors at least 15
days before the date set for the budget meeting. When placed on
41 the warrant, the articles shall be considered before action
relating to the appropriation of money for the operation of
schools.

43 §1305-C. Meeting procedures

45 The following procedures shall be used at a district meeting.

47 1. Election of moderator. The secretary of the board of
49 directors or, when absent, the chair of the school board shall
open the meeting and call for the election of a moderator,
51 receive and count votes for moderator and swear in the moderator.

1 2. Appointing ballot clerks. The moderator shall appoint
3 from the certified voting list the ballot clerks necessary for
4 the efficient operation of the meeting. The clerks shall be
5 sworn in by the moderator.

6 3. Budget consideration. The budget shall be thoroughly
7 explained. The voters shall have an opportunity to be heard. The
8 voters may change only items dealing with:

9 A. The expenses necessary to operate the school
10 administrative district;

11 B. Appropriations for the reserve fund; or

12 C. Appropriations for the contingency fund and school
13 construction purposes.

14 4. Approval. A majority vote of those voters present and
15 voting shall be necessary for the approval of the annual budget.

16 5. Voting lists. Registration of voters for the annual
17 budget meeting shall be held in each member municipality in
18 accordance with the time schedule specified in Title 21-A,
19 section 122.

20 A. Prior to the annual budget meeting, the municipal clerks
21 of the member municipalities shall supply to the board of
22 directors a certified corrected copy of the registered
23 voters of their municipality.

24 B. The lists shall be used in determining the voters who
25 are eligible to vote at the annual budget meeting.

26 6. Secret ballot. An article shall be voted on by secret
27 ballot if 10% of those present and voting vote to have a secret
28 ballot.

29 §1305-D. Reconsideration of alternative voting procedure

30 If a School Administrative District has adopted the
31 alternative voting procedure in accordance with section 1305-A,
32 the board of directors may submit the following article to the
33 voters not more than once every 3 years, to determine if the
34 district will change its voting process to the process set out in
35 section 1303-A:

36 "Shall School Administrative District No. change its
37 voting procedure so that future district budgets shall be
38 approved by referendum in each municipality instead of using
39 the alternative voting procedure which is approval at a
40 district meeting?

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

 Yes No"

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

2. The procedure for voting on the article and for carrying out the election shall be as set forth in this section.

3. If the article passes, future district budgets shall be adopted in accordance with section 1303-A; if the article fails to pass, the alternative voting procedure shall continue to be the process for adopting budgets in the district.

Sec. 7. 20-A MRSA §1309, as amended by PL 1983, c. 806, §19, is further amended to read:

§1309. Special budget meeting

The school board may call a special budget meeting when they declare it declares an emergency to exist. The voters of the district may authorize the directors at a special district budget meeting to pledge the credit of the district to obtain additional ~~meney~~ money for the operation of schools. The special budget meeting shall be held in accordance with sections ~~1302~~ 1305-B to ~~1307~~ 1305-D.

Sec. 8. 20-A MRSA §1310, sub-§1, as amended by PL 1983, c. 485, §14, is further amended to read:

1. **Warrant.** In accordance with the budget approved by the voters at an annual budget referendum or meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the board of directors shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within the municipality an amount which is that municipality's share of the district's costs.

STATEMENT OF FACT

The purpose of the bill is to change the method of approving a school administrative district budget. Currently, the budget is approved at a single district-wide meeting. Voters in the district may vote, however, to adopt an alternative procedure which permits voters to vote on the budget at separate referenda held in each municipality. The bill would make the municipal referendum the automatic method of approval. Voters could vote to have an alternative approval process of a single district meeting.