

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 973

H.P. 709

House of Representatives, February 11, 1997

**An Act to Allow Towns within a Community School District to Vote on
a School Budget by Referendum.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LAYTON of Cherryfield.
Cosponsored by Representatives: CAMPBELL of Holden, MACK of Standish, PINKHAM of
Lamoine, Senator: GOLDTHWAIT of Hancock.

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

4 **Sec. 1. 20-A MRSA §1701-A is enacted to read:**

6 **§1701-A. Alternative voting procedures**

8 If requested by a written petition of at least 10% of the
10 number of voters voting in the last gubernatorial election in the
12 municipalities within the district, the district school committee
14 shall cause the following article to be voted on by the voters of
16 the member municipalities.

18 "Shall Community School District No. require that the
20 voting at future district budget meetings and special
22 district budget meetings be done by referendum within each
24 member municipality of the district instead of using the
26 district meeting procedure?

28 Yes _____ No _____ "

30 1. Procedure. The procedure for voting on the article is
32 as follows.

34 A. On receipt of a request and if the request complies with
36 the requirement of this section, the district school
38 committee shall immediately notify the municipal officers
40 within the district of the receipt of the request.

42 B. The municipal officers of each municipality within the
44 district shall place the article on the ballots for that
46 municipality for the next statewide election occurring at
48 least 45 days after the date on which the municipal officers
50 received the notice.

C. The warrants, notices and voting procedures to be
followed within a municipality, including absentee voting
procedures, must be the same as those provided in Title
21-A, except that the duties of the Secretary of State must
be performed by the district school committee.

D. Municipal clerks shall, within 24 hours of the
determination of the results of the vote in their
municipality, certify to the district school committee the
total number of votes cast in the affirmative and in the
negative on the article.

E. As soon as all of the results from all of the
municipalities have been returned to the district school
committee, the committee shall meet and compute the total
number of votes cast in the affirmative and in the negative

2 on the article in all of the municipalities within the
3 district.

4 F. If the district school committee determines that there
5 were more votes cast in the affirmative than there were in
6 the negative on the article, they shall declare that the
7 article has passed.

8
9 G. If the district school committee determines that the
10 total number of votes cast on the article in the affirmative
11 is equal to or less than those in the negative, they shall
12 declare that the article has not passed.

13 H. The district school committee shall enter their
14 declaration and computations in their records and send
15 certified copies of it to the municipal clerk of each
16 municipality within the district.

17
18 2. Application. Following the district school committee's
19 declaration that the article has passed, the committee shall
20 require the voting at all future district budget meetings to be
21 done by referendum within each municipality of the district. The
22 voting must be held in accordance with the procedures set out in
23 sections 1351 to 1354, except that the warrant and absentee
24 ballots for the meeting must be prepared and distributed to the
25 municipal clerks at least 14 days prior to the date of the
26 referendum. The committee may hold informational meetings on
27 voting procedure and budget prior to voting. The committee shall
28 be responsible for the form of the articles to be voted on in the
29 municipalities, except as otherwise provided by law.

30
31 3. Failure to approve a budget. If the budget or a portion
32 of the budget fails to receive a majority vote at the referendum,
33 the district school committee shall decide in a public proceeding
34 whether subsequent votes on the portion of the budget that was
35 defeated must be conducted in accordance with the referendum
36 procedure in subsection 2 or at a district budget meeting held at
37 a single place in the district in accordance with procedures in
38 sections 1303 and 1304. Subsequent votes conducted in accordance
39 with the referendum procedure in subsection 2 must be held within
40 45 days. Subsequent votes conducted in accordance with sections
41 1303 and 1304 must be held within 30 days. These referenda or
42 meetings must be held solely for the purpose of approving an
43 alternative operating school budget to replace the part of the
44 proposed budget that the voters failed to approve. The committee
45 may continue in this manner until an alternative budget is
46 adopted.

47
48 4. Reconsideration of alternative voting procedure. If a
49 Community School District has adopted the alternative voting
50 procedure,

2 procedure in accordance with this section, then the district
3 school committee may submit the following article to the voters
4 not more than once every 3 years, to determine if the district
5 will change its voting process to the process set out in sections
6 1303 and 1304.

7 "Shall Community School District No. change its
8 voting procedure so that future district budget
9 meetings and special district budget meetings use the
10 district meeting procedure instead of the alternative
11 voting procedure, which is voting by referendum within
12 each member municipality of the district?

13 Yes _____ No _____ "

14
15
16 A. The process for reconsideration may be initiated either
17 by the district school committee or by a written petition of
18 at least 10% of the number of voters voting in the last
19 gubernatorial election in the municipalities within the
20 district.

21 B. The procedure for voting on the article and for carrying
22 out the election must be as set forth in this section.

23
24 C. If the article passes, then future district budgets will
25 be adopted in accordance with sections 1303 and 1304; if the
26 article fails to pass, then the alternative voting procedure
27 will continue to be the process for adopting budgets in the
28 district.

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32 **SUMMARY**

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34 This bill provides an alternative voting procedure allowing
35 district towns of a community school district to vote on a budget
36 by a district-wide referendum. This procedure is similar to the
37 alternative voting procedure available to school administrative
38 districts.