

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 933

H.P. 677

House of Representatives, February 2, 1999

**An Act to Permit the Submission of Citizens' Initiatives and Citizens'
Vetoes to School Districts.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: ANDREWS of York, GERRY of Auburn, MACK of
Standish, MENDROS of Lewiston.

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

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4 Sec. 1. 20-A MRSA §§1005 and 1006 are enacted to read:

6 §1005. Direct initiative of school board policies by voters

8 1. Petition procedure. By written petition filed with the
10 superintendent, the registered voters of a school administrative
12 unit may present to the school board for its adoption any
14 proposed rule, ordinance or other statement of school board
16 policy. The petition must be accompanied by a number of
18 signatures of registered voters at least equal to 10% of the
total number of votes for Governor cast in the school
administrative unit at the last gubernatorial election preceding
the filing of the petition. The date each signature was made
must be written next to the signature on the petition, and a
signature older than one year from the date recorded on the
petition is not valid.

20 2. Referral to voters. A measure proposed under subsection
22 1, unless adopted without change by the school board within 60
24 days, must be submitted to the voters of the school
26 administrative unit together with any substitute or recommended
28 measure of the board in a manner so that the voters can choose
30 between the original measure, a substitute measure recommended by
32 the board, if any, and an option that rejects both of the
34 measures. When there are competing measures and neither receives
36 a majority but one receives at least 1/3 of the votes cast, the
one receiving the most votes must be submitted to the voters by
itself at another election, which may be a special election, in
the school administrative unit ordered by the officers of the
municipality or municipalities comprising the school
administrative unit. The 2nd election must be held on a date not
less than 60 days after the first vote. If the measure initiated
is adopted by the board without change within 60 days, it may not
go to a referendum.

38 3. Timing of elections. The municipal officers of the
40 school administrative unit shall order any measure proposed to
42 the school board as herein provided, and not approved by the
44 board without change, to be referred to the people at the general
election to be held in the November following the filing of the
petition.

46 §1006. People's veto of school board policies

48 1. Petition procedure. By written petition filed with the
superintendent, the registered voters of a school administrative

2 unit may request that one or more rules, ordinances or other
3 statements of school board policy or part or parts thereof,
4 approved by the board but not then in effect, be referred to the
5 voters of the school administrative unit for their approval. The
6 petition must be accompanied by a number of signatures of
7 registered voters at least equal to 10% of the total number of
8 votes for Governor cast in the school administrative unit at the
9 last gubernatorial election preceding the filing of the
10 petition. The effect of any rule, ordinance or other statement
11 of school board policy or part or parts thereof that are the
12 subject of a petition under this section must be suspended by the
13 board upon the filing of a valid petition and may not take effect
14 until 30 days after the municipal officers of the school
15 administrative unit have announced by public proclamation that
16 the same have been ratified by a majority of the votes cast.

17 2. Referral to electors. As soon as any rule, ordinance or
18 other statement of school board policy or part or parts thereof
19 has been suspended by petition as provided in subsection 1, the
20 municipal officers of the school administrative unit by public
21 proclamation shall give notice thereof and of the time when the
22 measure is to be voted on. The vote must be at the next
23 statewide election or at a special election called by the
24 municipal officers if there is no statewide election within 6
25 months of receipt of the petition.

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SUMMARY

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30 This bill provides for a direct initiative and people's veto
31 process for school policies and rules to be exercised by the
32 voters of any school unit. The processes established are similar
33 to those available under the Constitution of Maine for initiation
34 and veto of legislation by the voters of the State.