

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 203

H.P. 162

House of Representatives, January 21, 2003

An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Representative: ANDREWS of York.

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

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

§1005. Direct initiative of school board policies by voters

1. Petition procedure. By written petition filed with the superintendent, the registered voters of a school administrative unit may present to the school board for its adoption any proposed rule, ordinance or other statement of school board policy, except that this proposed rule, ordinance or other statement may not pertain to staffing or salary matters, any other personnel matters or any budgetary matters. The petition must be accompanied by a number of 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 the petition was filed is not valid.

2. Referral to voters. A measure proposed under subsection 1, unless adopted without change by the school board within 60 days, must be submitted to the voters of the school administrative unit together with any substitute or recommended measure of the school board in a manner so that the voters can choose between the original measure, a substitute measure recommended by the school board, if any, and an option that rejects both of the measures. When there are competing measures and neither receives 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 in the school administrative unit, which may be a special election ordered by the officers of the municipality or municipalities that constitute 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 school board without change within 60 days, it may not go to a referendum.

3. Timing of elections. The municipal officers of the school administrative unit shall order any measure proposed to the school board as provided in this section but not approved by the school board without change to be referred to the people at the general or statewide election to be held in the November following the filing of the petition.

4. Not applicable to budgets. This section does not apply to school budgets, including, but not limited to, a school budget subject to the provisions of section 1304, 1305, 1305-A, 1305-B, 1701, 1701-A or 1701-B.

