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Minerich v. Boothbay-Boothbay Harbor Community School District

Supreme Judicial Court of Maine - February 10, 2026 - A.3d - 2026 WL 371121 - 2026 ME 11

Residents filed a complaint seeking judicial review of regional school board's denial of their petition for reconsideration of a bond question, and asserting independent claims seeking a declaratory judgment to recognize residents' compliance with the statutory requirements for reconsideration of votes taken at a regional school unit referendum and seeking attorney fees pursuant to § 1983 based on an alleged deprivation of their First Amendment rights to petition the government.

The Superior Court denied both the complaint and the independent claims. Residents appealed.

The Supreme Judicial Court held that:

- Board's duty to initiate referendum upon receipt of reconsideration petition was ministerial, as rendered mandamus relief available, and thus trial court had jurisdiction;
- Residents' challenge to denial of their petition was not moot;
- Residents' petition exceeded allowable statutory scope of petitions seeking reconsideration of votes taken at regional school unit referenda; and
- Petition's two articles could not be severed from each other.

Regional school board's duty to initiate referendum upon receipt of residents' reconsideration petition regarding voters' approval of bond referendum was ministerial, not discretionary, provided that petition met requirements of statute governing reconsideration of regional school unit referendum, as rendered mandamus relief available to compel board to put article up for referendum if petition was proper reconsideration petition, and thus superior court had jurisdiction to review board's denial of petition; statute, which contained the word "shall," provided unambiguous mandate that board must put articles up for reconsideration if statutory requirements were met.

Meaningful relief was still available in mandamus despite the passage of the statutory deadlines of 60 days for motions seeking reconsideration of votes taken at a regional school unit referendum, and thus the deadline's passage did not render moot residents' challenge to regional school board's decision to deny their petition for reconsideration of a bond question, where the bonds in dispute had not yet been issued.

Residents' petition to regional school board did not seek "reconsideration" of bond referendum, and thus the petition exceeded the allowable statutory scope of petitions seeking reconsideration of votes taken at a regional school unit referendum; residents made a request to affirmatively repeal the result of the bond referendum vote, and residents' petition asked voters to approve an entirely distinct replacement initiative, rather than merely asking that voters take the previous matter up again.

Even if either of two articles in residents' petition purportedly seeking reconsideration of regional

school board’s bond referendum constituted reconsideration petition, articles could not be severed from each other, as bar to submitting petition to referendum as drafted and signed; prospective signers were presented with unitary two-article petition that carried no suggestion of later severance of articles, person signing petition may have reasonably believed they were “pre-approving” authority for school district to issue bonds or notes in manner outlined in one article, and there was no way of knowing which article motivated signatories to petition or whether signatories would have signed petition had it contained only single article.

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