

MAINE STATE LEGISLATURE

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(From the Governor)
(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1

H.P. 3 House of Representatives, December 1, 1982
Reference to the Committee on Education suggested and Ordered Printed.

EDWIN H. PERT, Clerk

Presented by Speaker of the House J. Martin of Eagle Lake.

STATE OF MAINE

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

AN ACT to Allow the Alternative Budget
Adoption Process to Continue Past
December 31, 1982.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Public Law 1977, chapter 695, "AN ACT to Provide for the Alternative Election Procedures for School Budgets on a Local Basis," which authorized up to 3 school administrative districts to utilize the alternative budget adoption process on an experimental basis, contained an automatic repealer date of January 1, 1981; and

Whereas, Public Law 1979, chapter 356, section 8, amended the date for the law to be automatically repealed to January 1, 1983; and

1 Whereas, Public Law 1981, chapter 442, sections 8
2 to 10 which repealed the experimental operation of
3 the alternative budget adoption process thereby
4 authorizing any school administrative district to
5 utilize the process, failed to address the automatic
6 repealer of January 1, 1983; and

7 Whereas, several school administrative districts
8 have undergone the time and expense of adopting the
9 alternate budget adoption process; and

10 Whereas, if the law is automatically repealed on
11 January 1, 1983, it will have to be reenacted by the
12 111th Legislature for the process to be available
13 again, and, if reenacted, school administrative dis-
14 tricts would have to go to the expense of voting
15 again on whether to utilize the alternative budget
16 adoption process; and

17 Whereas, if the law is automatically repealed on
18 January 1, 1983, it is doubtful that school adminis-
19 trative districts which have accepted the alternative
20 budget adoption process will be able to utilize it in
21 1983 even if the law is reenacted by the 111th Legis-
22 lature; and

23 Whereas, in the judgment of the Legislature,
24 these facts create an emergency within the meaning of
25 the Constitution of Maine and require the following
26 legislation as immediately necessary for the preser-
27 vation of the public peace, health and safety; now,
28 therefore,

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

31 20 MRSA §226-A, sub-§8, as amended by PL 1979, c.
32 356, §5, is repealed.

33 **Emergency clause.** In view of the emergency cited
34 in the preamble, this Act shall take effect when
35 approved.

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STATEMENT OF FACT

2 When the Maine Revised Statutes, Title 20,
3 section 226-A was enacted by Public Law 1977, chapter
4 695, section 2, it was established for a 3-year trial
5 period. The original statute only authorized pilot
6 projects to be operated in a maximum of 3 school
7 administrative districts. In 1979, Public Law 1979,
8 chapter 356, sections 1 to 5, amended section 226-A,
9 among other things, changing the termination date set
10 forth in subsection 8 from January 1, 1981 to January
11 1, 1983. In 1981, the Legislature enacted Public Law
12 1981, c. 442, which repealed section 226-A, subsec-
13 tions 3 and 4, which dealt with the pilot project
14 aspect of section 226-A. Accordingly, section 226-A
15 became available for any school administrative dis-
16 trict to utilize. However, the termination date set
17 forth in subsection 8 was not repealed. Conse-
18 quently, if the effective date language is not
19 repealed prior to January 1, 1983, then the alterna-
20 tive budget adoption procedure set forth in section
21 226-A will be repealed. This will result in confu-
22 sion and hardships for those districts which have
23 opted to use this voting procedure for the adoption
24 of school budgets. Even if the law were reenacted
25 after January 1, 1983, those districts which have
26 opted to utilize this voting procedure would have to
27 vote again to utilize the process.

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