

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

CHAPTER 695

AN ACT to Provide for Alternative Election Procedures for School Budgets on a Local Basis.

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

Sec. 1. 20 MRSA § 226, 1st ¶, as amended by PL 1965, c. 48, § 1, is repealed and the following enacted in its place:

Except as provided in section 226-A, when a district budget meeting is called to approve the operating school budget, reserve fund for capital outlay purposes, contingency fund or capital outlay appropriations or for the purpose of pledging the credit of the district to obtain additional moneys for the operation of schools, or when a special district budget meeting is called by the directors declaring that an emergency exists, the directors shall call the meeting as follows.

Sec. 2. 20 MRSA § 226-A is enacted to read:

§ 226-A. Alternative voting procedures

1. Petition for local vote on budget items. When requested by 10% of the number of voters voting for the gubernatorial candidates at the last statewide election in all the municipalities comprising a school administrative district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities:

"Shall District No. _____ vote to require that the voting at future district budget meetings and special district budget meetings held between July 2, 1978 and July 1, 1980, be done within each member municipality of the district?"

2. Procedure. The procedure for voting on the article shall be as follows.

A. Upon receipt of a request under subsection 1, the board of directors, after a determination that the request complies with the requirements of this section, shall immediately notify the municipal officers of each municipality in the district of the receipt of the request.

B. The municipal officers of each municipality within the district shall then cause the article set out in subsection 1 to be placed on the ballots for that municipality for the next general or statewide special election occurring at least 120 days after the date on which the municipal officers received the notice required under paragraph A.

C. The warrants, notices and voting procedures to be followed within a municipality shall be the same as those provided in Title 21, except that the

duties of the Secretary of State shall be performed by the board of directors. The absentee voting procedures authorized in Title 21 shall be used, except that the duties of the Secretary of State shall be performed by the board of directors.

D. The town and city clerks shall, within 24 hours of the determination of the results of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the board of directors.

E. As soon as all of the results from all of the municipalities have been returned to the board of directors, the directors shall meet and compute the total number of votes cast in all of the municipalities within the School Administrative District in the affirmative and the total number of votes cast in all of the municipalities within the School Administrative District in the negative on the article.

F. If they determine that there were more votes cast in the affirmative than there were in the negative on the article, they shall declare and find that the article has passed and enter this declaration and their computations upon their records and send certified copies of the same to each town or city clerk within the School Administrative District.

G. If the board of directors determine that the total number of votes cast on the article in the affirmative is equal to or less than the total votes cast in the negative, they shall declare that the article has not passed and enter their declaration and computations on their records and send certified copies of the same to the town or city clerk of each of the municipalities within the School Administrative District.

3. Petition to commissioner. Whenever it is determined that the voters within a School Administrative District have voted in the affirmative on the article set out in subsection 1, the board of directors shall notify the Commissioner of Educational and Cultural Services of that fact and shall request authorization from the commissioner to cause the voting at all future district budget meetings and special district budget meetings held between July 2, 1978 and July 1, 1980, to be done within each municipality within the district.

4. Selection of districts for local voting. The commissioner shall, following the receipt of requests for authorization pursuant to subsection 3, select not more than 3 School Administrative Districts from those requesting authorization. He shall then notify the boards of directors of those districts that they are authorized to cause the voting at all future district budget meetings and special district budget meetings held between July 2, 1978 and July 1, 1980, to be done within each municipality within the district.

5. Procedure for local voting. Following notification of authorization from the commissioner pursuant to subsection 4, the board of directors of a School Administrative District shall cause the voting at all future district budget

meetings and special district budget meetings held between July 2, 1978 and July 1, 1980, to be done within each municipality within the district. The voting shall be held in accordance with the procedures set out in section 225 and the board of directors may hold any informational meetings which they feel are necessary in the manner and place which they feel appropriate prior to any voting. The board of directors shall also be responsible for the form of any articles to be voted on in the municipalities, except as otherwise provided by law.

6. Failure to approve operating budget. If, at any district budget meeting where the voting is done within each municipality within the district, the voters fail to approve the operating school budget or any part thereof, subsequent district budget meetings shall be held and the voting at these meetings shall be done at a single place within the district. These meetings shall be held solely for the purpose of approving an alternate operating school budget to replace the proposed budget or the part thereof which the voters failed to approve. These meetings shall be held in accordance with the provisions and procedures set out in section 226 and may continue in this manner until an alternate budget is adopted.

7. Report. The board of directors of any School Administrative District authorized to vote pursuant to subsections 4 and 5 shall, no later than December 31, 1980, submit a written report to the Commissioner of Educational and Cultural Services containing the board's evaluation of the following items:

- A. Evaluation of the voting procedures authorized by this section;
- B. Evaluation of the effectiveness of that procedure in their school administrative district;
- C. Opinions on the advisability of retaining that procedure; and
- D. Any recommendation for change in the procedures which the board may feel appropriate.

8. Effective date. This section is repealed on January 1, 1981.

Sec. 3. Legislative intent. It is the intent of the Legislature in passing this Act, that the Commissioner of Educational and Cultural Services actively encourage participation by municipalities in the school budgetary process and in the alternative procedures adopted in this Act. To accomplish this intent the commissioner may arrange for and sponsor workshops for participating boards of directors to assist them in completing the pilot program.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1978-79
EDUCATIONAL AND CULTURAL SERVICES,	
DEPARTMENT OF	
All Other	\$6,000

To provide for continuity for workshops and to offset additional costs of the voting methods established in the pilot project.

These funds appropriated for the fiscal year 1978-79 shall not lapse but shall carry forward to January 1, 1981 to be expended for the same purposes.

Effective July 6, 1978

CHAPTER 696

AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 1 MRSA § 23 is repealed.

Sec. 2. 1 MRSA § 28 is repealed.

Sec. 3. 1 MRSA § 202, is repealed and the following enacted in its place: