June 3, 1976

The Honorable James F. Wilfong
Rt. 113
Stow, Maine 04058

Dear Jim:

This responds to your questions relating to interpretation of certain requirements of P. L. 1975 Chapter 738, The Line Item School Budget Bill. Specifically you asked whether the provisions of chapter 738 relating to certification to the secretary of the school district of 20% of the voters means 20% of all eligible voters of the school district or 20% of the voters of each town in the school district. We believe it means 20% of all the eligible voters in the school district.

The provisions for certification of voters to the school district are provided in 20 M.R.S.A. section 226-4-A. This requires that each town or city clerk deliver to the secretary of the School Administrative district in advance of a district budget meeting its certified corrected copy of the voting lists of the appropriate municipality. Thus each municipal clerk is required to deliver a voting list.

The provisions in question in chapter 738 read as follows: "The budget format shall be that prescribed by a majority of the school directors until such time as 20% of the numbers of registered voters certified by the several town and city clerks to the secretary of the school district vote on an appropriate warrant article prescribing the school budget format." As the legislation refers to the "several" town or city clerks it clearly implies 20% of the total. See also first sentence of sections 1 and 2 of chapter 738 which provides that format of budget may be determined by "voters of the district." It is further indication that the decision is a district one - not a municipal one. Therefore the intent of the legislation is that budget formats remain as prescribed by a majority of the school directors until 20% of the total of the voters certified to vote in the school district vote on an appropriate warrant article relating to the school budget format.

We recognize that your concern in posing this question was that, should the interpretation be otherwise, requiring action by each town, then one town in a much larger school district could veto line item budgeting. This result cannot occur, however, as 20% of the total was what was intended by the legislation.

Very truly yours,

DONALD G. ALEXANDER
Deputy Attorney General

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