

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 30, 1976

Honorable Bonnie D. Post
Owl's Head, Maine 04854

Re: Line Item Budgeting

Dear Representative Post:

Your oral request for an opinion on four questions regarding the line budget procedure for all school systems (Chapter 738 of the Public Laws of 1975) was forwarded to me for attention.

In response to your first question, whether "signatures on petitions to initiate the line item budgeting process may be gathered prior to September 1, 1976." the answer is no. Please note that the effective date for Chapter 738 is September 1, 1976. There is no statutory authority to collect petitions pursuant to Chapter 738 prior to September 1, 1976.

The second question asked is whether "a vote on the line budget law can occur at the November general election." The answer to this question is no for school administrative districts and community school districts but yes for municipalities. Chapter 738 § 1, provides that line item budget procedures for school administrative districts may only be adopted "at a properly called school district meeting or under the procedures prescribed in section 225, subsection 2, paragraphs A to E." Section 2 provides that the line item budget procedure for a community school district may only be adopted pursuant to a properly called district meeting. However, § 3 provides that individual towns or cities, which have their own school systems, may adopt the line budget procedure for their individual school departments pursuant to the municipal election provisions set forth in Title 30. Thus, a vote on the line item budget law may occur at the November general election for said towns and municipalities if the question is properly prepared and properly presented to the voters in accordance with Title 30's municipal election provisions.


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The third question asked is whether "the requirement that 40 percent of the voters must vote on approval of line item budgeting applies to the entire school district or to each community within the district." I believe you intended to use the figure 20 percent as set forth in Chapter 738 rather than the 40 percent figure that you used in your request to Mr. Alexander. Attached is a copy of a letter from this office to Representative James F. Wilfong which may answer your question on this matter.

The fourth and final question asked is whether "the date for the elections can be set in the petitions which initiate the line item budgeting process." The answer to that is also no. The school administrative districts, community school districts and municipalities must set the date for voting on the line budget process once a proper petition has been presented to them requiring that the line budget process be submitted to the voters.

If we can be of further assistance to you, please let us know.

Very truly yours,


WALDEMAR BUSCHMANN
Assistant Attorney General

WB:jg
Enclosure