

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Education School Budget Approvals
School Budget Approvals
Municipal School Budgets

20 M.R.S.A. § 3754
20 M.R.S.A. § 305

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
July 10, 1978

Honorable Richard J. Carey
House of Representatives
State House
Augusta, Maine 04333

RE: School Budget Adoption Date

Dear Representative Carey:

This is in response to your oral request for an opinion regarding 20 M.R.S.A., §3754 as repealed and replaced by P.L. 1977, c. 636. In particular you inquired as to whether the failure of a municipality to adopt a school budget by June 30, 1978, would result in the budget prepared by the municipality's school committee automatically becoming the adopted budget?

Whether the school committee's budget would automatically become the adopted budget would depend upon the provisions of the municipality's charter. Although 20 M.R.S.A., §3754 makes it mandatory that the budget be adopted prior to June 30, 1978, it does not make any provision for a budget being automatically adopted if the legislative body of the municipality fails to adopt a school budget.

Section 3754 does recognize that provisions for the automatic adoption of a budget may exist in municipal charters. To that extent, the Legislature extended the dates which might be in the municipal charters to July 1, 1978:

"If a municipal charter provides that a budget proposed by a municipal official or body becomes effective when the municipal legislative body fails to adopt a budget by a specified date or within a specified period of time and that date falls prior to July 1st, that date shall be governed by the provisions of this section for the calendar year 1978." 20 M.R.S.A., §3754¹

¹ Although 20 M.R.S.A. §3754 was repealed by P.L. 1977, c. 25, §7, effective March 7, 1978, and was also repealed and replaced by P.L. 1977, c. 636, effective March 9, 1978, these separate actions by the Legislature do not result in conflicting legislation which would defeat the purpose of §3754 as quoted.

July 10, 1978

Although there is no automatic budget adoption provision in the general laws for municipal school administrative units, one does exist for School Administrative Districts, 20 M.R.S.A., §305 provides that:

"If a budget for the operation of the School Administrative District is not approved prior to June 1st,² the budget as submitted by the school directors for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing year.---" 20 M.R.S.A., §305.

Therefore, whether an automatic adoption mechanism for a municipal school administrative unit's budget exists depends upon the language in the municipality's charter.

Respectfully yours,

WALDEMAR G. BUSCHMANN
Assistant Attorney General

WGB:ltw

cc: H. Sawin Millett, Jr.
James Millett

² 20 M.R.S.A., §3754 as enacted by P.L. 1977, c. 636 extends that date for 1978 to July 1, 1978.