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79-24

Education - approval of school budget

School Administrative District - budget
approval

20 M.R.S.A. § 226

February 21, 1979

Rep. Harold L. Hanson
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Hanson:

This is in response to your opinion request of February 13, 1979, and is a followup to our conversation of February 14, 1979.

You have raised several questions regarding the alternative voting procedures established under 20 M.R.S.A. §226-A. You have indicated both in your letter and in our conversation that those questions could be reduced to the following three:

1. Whether the budget or a part of the budget must be approved by each of the member municipalities within the School Administrative District?
2. Whether the failure of part of the budget to be approved would require that the whole budget be acted upon at a subsequent district budget meeting held in accordance with section 226 of Title 20?
3. Whether the board of directors has to present an alternate operating school budget, or part thereof, to replace the proposed budget or part thereof which was not approved by the voters at the subsequent district budget meeting held in accordance with 20 M.R.S.A. §226?

In response to the first question, 20 M.R.S.A. §226-A does not require approval by each municipality within the School Administrative District in order for the budget or part thereof to be effective. Rather, 20 M.R.S.A. §226-A, sub-§5, mandates that the votes be cast and counted in the manner provided in 20 M.R.S.A. §225. Section 225, sub-§4, paragraph C requires that the board of directors determine whether the total votes cast in the district approve a given article. Therefore, it is the total votes cast within the district which will decide whether the budget, or a part thereof, has been approved.

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Regarding your second question, only if the total budget were not approved would it be necessary to reconsider the entire budget at the subsequent district budget meeting. 20 M.R.S.A. §226-A, sub-§6, specifically authorizes a subsequent district budget meeting to be held "for the purpose of approving an alternate operating school budget to replace the proposed budget or the part thereof which the voters fail to approve." (emphasis supplied). Accordingly, only those items within the proposed budget which are not approved at the original budget meeting would be the subject of subsequent district budget meetings under the provisions of §226-A, sub-§6.

Finally, the governing body of the School Administrative District would be required to present an alternate version of the budget, or part thereof, which the voters failed to approve at the regular budget meeting. Since a subsequent district budget meeting to act upon those articles which were not approved by the voters would be held at a single place within the district, those articles would be subject to modification by motion from the floor. It is entirely possible that the alternate operating school budget, or parts thereof, could be modified at the district budget meeting so that the original budget, or part thereof, which was defeated by the voters at the original budget meeting might be approved at the subsequent budget meeting.

I trust the above answers the questions which you have raised regarding this matter. Should further clarification be needed, please contact me.

Respectfully yours,

Waldemar G. Buschmann
Assistant Attorney General

WGB:lm

cc: H. Sawin Millett, Jr., Commissioner
Dale Douglass