

MAINE STATE LEGISLATURE

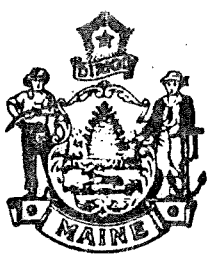
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JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 19, 1981

Rep. Lionel H. Conary
P.O. Box 385
Oakland, Maine 04963

Re: Purchase of School Bus by SAD #74

Dear Representative Conary:

You inquired in your letter of July 9, 1981, whether the action taken at School Administrative District #74's budget meeting on June 16, 1981, requires the District to purchase a 72-passenger school bus. In particular, at the June 16 budget meeting the voters acted on Article IV of the warrant which read: "to see if the District will raise and appropriate \$33,500 for the purchase of a 72-passenger school bus. Board of Directors recommend: Yes." Apparently there was a motion from the floor which moved that the "District raise and appropriate \$1 by local appropriation and \$33,499 from the school operational budget to purchase a 72-passenger school bus." You have indicated that this motion passed by a vote of 180 in favor to 85 opposed.

The information supplied in your letter is not complete as to whether the District was using a line item budget when it presented the warrant to the voters on June 16, 1981. Also, there is some confusion resulting from the wording of the motion since it is unclear whether the District would be raising and appropriating \$1 and also raising and appropriating an additional \$33,499.

Regardless of the action taken at the district budget meeting, the final decision regarding the purchase of a new bus lies solely with the board of directors of SAD #74. It is the board of directors, pursuant to 20 M.R.S.A. §220(6), which has the authorization to purchase the buses. Although the legislative body of the district, i.e. the voters, has control over the amounts of money which may be raised and appropriated for operating the district, it is the board of directors, as the governing body, which has the exclusive authority to decide how much money will be spent within the amount authorized by the voters. In short, the voters cannot mandate the purchase of a school bus by the action they took at the budget meeting. The voters' recourse, should the board of directors not purchase a bus in the manner adopted by the voters, is to elect new members to the board when there are vacancies to be filled.

sp. Lionel H. Conary

August 19, 1981

Page 2

In short, the board of directors is obligated to obtain voter approval before it may raise and appropriate funds for the operation of the schools, including the purchase of school buses, but the final discretion as to whether specific items are purchased, including school buses, lies with the board of directors as the governing body of the School Administrative District. The Legislature has not given the voters the authorization to override the board's authority in this area.

Sincerely yours,



WALDEMAR G. BUSCHMANN
Assistant Attorney General

WGB:lm

cc: Stephen Diamond
Richard Redmond
Larry Pineo