

MAINE STATE LEGISLATURE

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(EMERGENCY)

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FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

5

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Legislative Document

No. 1105

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8

H.P. 855

House of Representatives, March 8, 1983

9

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

10

On Motion of Representative Locke of Sebec referred to the Committee on Education. Sent up for concurrence and ordered printed.

11

EDWIN H. PERT, Clerk

Presented by Representative Crouse of Washburn.

Cosponsor: Representative Locke of Sebec.

12

13

STATE OF MAINE

14

15

IN THE YEAR OF OUR LORD

16

NINETEEN HUNDRED AND EIGHTY-THREE

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18

AN ACT to Clarify the Education Laws.

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, existing ambiguities in the education laws create confusion and uncertainty regarding the operation of school administrative units; and

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Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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Be it enacted by the People of the State of Maine as follows:

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1 Sec. 1. 20 MRSA §161, sub-§2, ¶¶A and B, as
2 repealed and replaced by PL 1981, c. 658, §1, are
3 amended to read:

4 A. The municipal officers in an ~~incorporated~~
5 ~~school district~~ a municipal corporation responsi-
6 ble for operating public schools, unless it has
7 been approved in accordance with section 853; or

8 B. The treasurer of a ~~school administrative dis-~~
9 ~~trict~~ quasi-municipal corporation responsible for
10 operating public schools, unless it has been
11 approved by a majority vote of the full member-
12 ship of the board of directors or its governing
13 body or, in the case of of a school administra-
14 tive district, a finance committee elected in ac-
15 cordance with section 306.

16 Sec. 2. 20 MRSA §226-A, sub-§2, ¶B, as amended
17 by PL 1979, c. 356, §2, is further amended to read:

18 B. The municipal officers of each municipality
19 within the district shall then cause the article
20 set out in subsection 1 to be placed on the bal-
21 lots for that municipality for the next ~~general~~
22 ~~or~~ statewide ~~special~~ election occurring at least
23 45 days after the date on which the municipal
24 officers received the notice required under para-
25 graph A.

26 Sec. 3. 20 MRSA §379, sub-§9, ¶¶A and B, as
27 enacted by PL 1979, c. 482, §3, are amended to read:

28 A. The format of the school budget may be deter-
29 mined by the voters of a community school dis-
30 trict by adoption of an appropriate warrant arti-
31 cle at a properly called meeting election held in
32 accordance with the procedure set forth in
33 section 4755, subsection 6.

34 B. An article dealing with the budget format may
35 be placed upon the next warrant before voters at
36 a properly called election if authorized by a
37 majority vote of the school committee or if a
38 written petition of a number of voters equal to
39 at least 10% of the number of votes cast in the
40 last gubernatorial election in each town compris-

1 ing the district has been presented to the school
2 committee.

3 Sec. 4. 20 MRSA §4751, sub-§3, ¶J, as repealed
4 and replaced by PL 1981, c. 464, §27, is amended to
5 read:

6 J. An article in substantially the following
7 form is to be used when any municipality, School
8 Administrative District or community school dis-
9 trict is considering the appropriation of addi-
10 tional local funds under this subsection: Arti-
11 cle : To see what sum the municipality or
12 district shall appropriate from local leeway for
13 school purposes (~~recommended total \$~~ 7
14 ~~local share \$~~ 7 ~~state share \$~~ 7)
15 and to see if the municipality or district shall
16 raise the local share of \$ (recommended
17 total \$, local share \$, state
18 share \$).

19 Sec. 5. 20-A MRSA §1055, sub-§1, ¶D, as enacted
20 by PL 1981, c. 693, §§5 and 8, is repealed and the
21 following enacted in its place:

22 D. Issue vouchers showing the correctness of
23 bills contracted on account of school appropri-
24 ations. A bill may not be allowed for payment by
25 the municipal officers, unless:

26 (1) They have been approved by the municipi-
27 pal officers in a municipal corporation
28 responsible for operating public schools, or
29 have been approved in accordance with
30 section 2352; or

31 (2) In a quasi-municipal corporation
32 responsible for operating public schools, it
33 has been approved by a majority vote of the
34 full membership of its governing body or, in
35 the case of a school administrative dist-
36 trict, a finance committee elected in accor-
37 dance with section 1256.

38 Sec. 6. 20-A MRSA §1305, sub-§1, ¶B, as enacted
39 by PL 1981, c. 693, §§5 and 8, is amended to read:

1 B. The municipal officers of each municipality
2 within the district shall then cause the article
3 to be placed on the ballots for that municipality
4 for the next ~~general or~~ statewide ~~special~~ elec-
5 tion occurring at least 45 days after the date on
6 which the municipal officers received the notice.

7 Sec. 7. 20-A MRSa §1701, sub-§9, ¶¶A and B, as
8 enacted by PL 1983, c. 693, §§5 and 8, are amended to
9 read:

10 A. The budget format may be determined by the
11 voters of a community school district by adoption
12 of an appropriate warrant article at a properly
13 called ~~meeting~~ election held in accordance with
14 the procedure set forth in section 15515, subsec-
15 tion 6.

16 B. An article dealing with the budget format may
17 be placed ~~on the next warrant before voters at a~~
18 properly called election if authorized by a
19 majority vote of the district school committee or
20 if a written petition of at least 10% of the
21 number of voters voting in the last gubernatorial
22 election of each municipality comprising the com-
23 munity school district has been presented to the
24 district school committee.

25 Sec. 8. 20-A MRSa §15511, sub-§3, ¶J, as enacted
26 by PL 1981, c. 693, §§5 and 8, is amended to read:

27 J. An article in substantially the following
28 form shall be used when a municipality, school
29 administrative district or community school dis-
30 trict is considering the appropriation of local
31 leeway funds:

32 "Article : To see what sum the munici-
33 pality or district shall appropriate from
34 local leeway for school purposes (Recom-
35 mended total \$, local share \$, state
36 share \$), and to see if the municipality
37 or district shall raise the local share of
38 \$. (Recommended total \$, local
39 share \$, state share \$)."

