

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 886

S.P. 330

In Senate, February 28, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Establish a Budget Authority within School Administrative
Districts.**

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

4 20-A MRSA §1305-A is enacted to read:

6 §1305-A. District budget authority

8 Each district shall vote at a referendum to be conducted by
10 July 1, 1992 whether to establish a district budget authority to
assist and advise the board of directors in development and
implementation of the district budget.

12 1. Membership. Each district budget authority consists of
14 11 members including residents of each municipality within the
district. The number of members representing each municipality
16 in the district is determined by the board of directors and must
be in approximate proportion to the number of students enrolled
18 from each municipality. Employees of the district and current
and former members of the board of directors of the district are
20 ineligible to serve on the district budget authority. The
members shall elect a chair from among themselves. The term of
22 office is 2 years. Vacancies are filled for the remainder of the
vacated term in the same manner as vacancies on the board of
24 directors are filled under section 1254, subsection 3. District
budget authority members serve without compensation.

26 2. Referendum procedure. The board of directors shall
28 cause the following article to be voted on by the voters of the
member municipalities:

30 "Shall School Administrative District No.
32 establish a district budget authority to assist in the
development of the district's budget, including
34 authority to change all or part of the budget proposed
by the district board of directors?

36 Yes

No"

38 The procedure for voting on the article is as follows.

40 A. In a timely manner, the board of directors shall notify
42 the municipal officers within the district of the need to
vote on the article establishing a district budget authority.

44 B. The municipal officers of each municipality within the
46 district shall then cause the article to be placed on the
ballot for that municipality for the next statewide election
48 occurring at least 45 days after the date on which the
municipal officers received the notice provided in paragraph
50 A.

52 C. The warrants, notices and voting procedures to be
followed within a municipality, including absentee voting

2 procedures, are the same as those provided in Title 21-A,
3 except that the duties of the Secretary of State are
4 performed by the board of directors.

5 D. Municipal clerks shall, within 24 hours of the
6 determination of the results of the vote in their
7 municipality, certify to the board of directors the total
8 number of votes cast in the affirmative and in the negative
9 on the article.

10 E. As soon as all of the results from all of the
11 municipalities have been returned to the board of directors,
12 the board shall meet and compute the total number of votes
13 cast in the affirmative and in the negative on the article
14 in all of the municipalities within the district.

15 F. If the board of directors determines that there were
16 more votes cast in the affirmative than there were in the
17 negative on the article, it shall declare that the article
18 has passed.

19 G. If the board of directors determines that the total
20 number of votes cast on the article in the affirmative is
21 equal to or less than those in the negative, it shall
22 declare that the article has not passed.

23 H. The board of directors shall enter its declaration and
24 computations in its records and send certified copies of the
25 declaration to the municipal clerk of each municipality
26 within the district. The certified copies must be sent
27 within 15 days of the determination of the outcome of the
28 election and, where the vote is to establish a district
29 budget authority, must also include an indication of the
30 number of members to be selected by each municipality.

31 **3. Selection of members.** When a district budget authority
32 has been approved by the voters of the district, each
33 municipality within the district shall select members
34 representing the municipality as follows.

35 A. Within 60 days, but no earlier than 45 days after
36 notification by the board of directors of the passage of the
37 district budget authority article and of the number of
38 members of the district budget authority to be selected by
39 the municipality, the municipal officers shall call a
40 special election to elect the municipal representatives to
41 the district budget authority.

42 B. Nomination papers must be furnished by the secretary of
43 the district at least 10 days before the deadline for filing
44 of nomination papers. Members may be nominated by obtaining
45 a minimum of 25 and a maximum of 50 signatures of registered
46 members.

2 voters residing within the municipality. The secretary
3 shall notify the municipal officers of the names of
4 candidates in each municipality.

5 C. The clerks of each municipality shall forward to the
6 secretary the results of the vote in the municipality.

7 D. The board of directors shall meet and total the votes
8 cast for each candidate within each municipality and shall
9 immediately notify the clerks in each municipality, the
10 candidates and the commissioner of the results of the vote.

11 E. Notwithstanding any other provision of law, members must
12 be elected by secret ballot. The ballots must be prepared
13 for and distributed to the municipalities by the secretary
14 of the district.

15 4. Duties. Notwithstanding any other provisions of this
16 chapter, the duties and responsibilities of the district budget
17 authority are as follows:

18 A. To monitor the preparation of the district budget by the
19 board of directors;

20 B. At least 30 days prior to submission of the budget to
21 the voters for approval under section 1304 or 1305, to
22 receive a copy of the proposed budget from the board of
23 directors;

24 C. To meet at least once with the board of directors prior
25 to submission of the budget to voters of the district for
26 approval under section 1304 or 1305. The purpose of this
27 meeting is for the board of directors to receive comments on
28 the budget from the district budget authority; and

29 D. At least 15 days prior to submission of the budget to
30 the voters for approval under section 1304 or 1305, the
31 district budget authority may submit to the board of
32 directors changes in the proposed budget supported by a
33 majority of the district budget authority. The board of
34 directors shall incorporate those changes in the budget
35 considered by the voters under section 1304 or 1305.

36 5. Reconsideration of vote. A school administrative
37 district that has voted to establish a district budget authority
38 in accordance with this section may submit the following article
39 to the voters not more than once every 2 years to determine if
40 the district will change its budget process to abolish the
41 district budget authority:

42 "Shall School Administrative District No. abolish
43 its district budget authority?"

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Yes

No"

A. The process for reconsideration of the establishment of the district budget authority may be initiated either by a majority of the municipal officials of the municipalities within the district or by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district.

B. The procedure for voting on the article and for carrying out the election is set forth for voting on the referendum to establish a district budget authority in subsection 2.

STATEMENT OF FACT

This bill authorizes the creation of district budget authorities to assist the board of directors of a school administrative district in formulating the district's budget. Before July 1, 1992 the municipalities comprising each school administrative district must vote on whether or not to form a district budget authority. If a majority of voters in the district approve formation, the district budget authority will be created consisting of 11 members elected proportionally from the district's municipalities based on the number of students from each municipality attending school in the district. Members serve 2-year terms.

District budget authorities monitor the development of the district budget and may make changes in the proposed budget before it is submitted to district voters for approval.