

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 1824

H.P. 1256

House of Representatives, May 8, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

Cosponsored by Senator BRAUN of Knox, Representative NASH of Camden,  
Representative BARTH of Bethel and Senator GOULD of Waldo.

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STATE OF MAINE

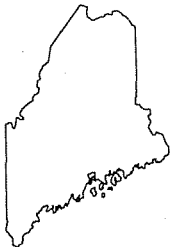
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Amend the Determination of the Amount of a School District  
Budget when the Budget Amount Proposed Fails to Pass.**

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

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3       **Sec. 1. 20-A MRSA §1305, sub-§2,** as amended by PL 1983, c.  
4 770, §2, is further amended to read:

6       **2. Application.** Following the board of director's  
7 declaration that the article has passed, the board shall cause  
8 the voting at all future district budget meetings and to be  
9 called within each municipality within the district. The voting  
10 shall must be held in accordance with the procedures set out in  
11 sections 1351 to 1354, except that the warrant for the meeting  
12 shall must be prepared and distributed at least 14 days prior to  
13 the date of the referendum. The board may hold informational  
14 meetings on voting procedure and budget prior to voting. The  
15 board shall ~~be~~ is responsible for the form of the articles to be  
16 voted on in the municipalities, except as otherwise provided by  
17 law.

18       **Sec. 2. 20-A MRSA §1305, sub-§2-A** is enacted to read:

20       **2-A. Form of articles.** The board shall ensure that the  
21 form of articles proposing a school budget to be voted upon by  
22 municipalities as provided under subsection 2 allows a voter to:

24       A. Accept the budget or portion of the budget;

26       B. Reject the budget or portion of the budget because the  
27 voter considers the amount budgeted excessive; or

29       C. Reject the budget or portion of the budget because the  
30 voter considers the amount budgeted insufficient.

32       **Sec. 3. 20-A MRSA §1305, sub-§3,** as repealed and replaced by  
33 PL 1983, c. 770, §3, is repealed and the following enacted in its  
34 place:

36       **3. Failure to approve a budget.** The following procedures  
37 apply when the budget or portion of the budget is rejected at the  
38 referendum.

40       A. Notwithstanding section 1308, if a majority of voters  
41 voting at the referendum reject the budget or portion of the  
42 budget as provided under subsection 2-A, paragraph B:

44       (1) If there is sufficient time to comply with other  
45 statutory requirements and have an alternate budget  
46 approved prior to July 1st, the board of directors  
47 shall submit to referendum an alternate budget in which  
48 the total budgeted amount is at least 10% less than the  
49 total budgeted amount contained in the budget rejected  
50 by the voters. If the alternate budget or portion of

2 the alternate budget is rejected at referendum, the  
3 board of directors shall comply with subparagraph (2);  
4 or

5 (2) If there is insufficient time to submit an  
6 alternate budget to referendum for approval prior to  
7 July 1st and comply with other statutory requirements,  
8 or if the alternate budget submitted pursuant to  
9 subparagraph 1 is rejected, the board of directors  
10 shall substitute the budget of the prior year or  
11 appropriate portions of the budget of the prior year in  
12 its place. A further vote upon that budget may not be  
13 taken, either by referendum or at a district budget  
14 meeting.

15 B. If a majority of voters voting at the referendum reject  
16 the budget or portion of the budget as provided in  
17 subsection 2-A, paragraph C, the board of directors shall  
18 decide in a public proceeding whether subsequent votes on  
19 the portion of the budget that was defeated will be  
20 conducted in accordance with the referendum procedure in  
21 subsection 2, or at a district budget meeting held at a  
22 single place in the district in accordance with procedures  
23 in sections 1303 and 1304. These referenda or meetings must  
24 be held solely for the purpose of approving an alternative  
25 operating school budget to replace the part of the proposed  
26 budget that the voters failed to approve. The board may  
27 continue in this manner until an alternative budget is  
28 adopted.

29 Sec. 4. 20-A MRS §1308, as enacted by PL 1981, c. 693, §§5  
30 and 8, is amended to read:

31 **§1308. Failure to pass budget**

32 ¶ Except as provided in section 1305, subsection 3,  
33 paragraph A, if a budget for the operating of the district is not  
34 approved prior to July 1st, the budget as submitted by the board  
35 of directors shall ~~be~~ is automatically considered the budget  
36 approved for operational expenses for the ensuing year.

37 **STATEMENT OF FACT**

38 This bill requires the board of directors of a school  
39 administrative district that elects to vote on annual school  
40 budgets by referendum to ensure that the form of articles  
41 proposing the school budget allows voters to indicate whether the  
42 proposed budget is too high, too low or acceptable. If a  
43 majority of voters voting at the referendum reject the budget as

2 too high and time permits, the board of directors must submit an  
alternate budget to referendum. If there is insufficient time to  
4 submit an alternate budget to referendum or if the alternate  
budget is rejected at referendum, the previous year's budget must  
6 be used.