

MAINE STATE LEGISLATURE

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L.D. 771

(Filing No. S- 163)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT **A** " to S.P. 252, L.D. 771, Bill, "An Act to Enhance Voters' Rights in Budget Approval of School Districts"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this legislation amends current law concerning the procedure for adopting an annual school administrative district budget; and

Whereas, school administrative districts are now or soon will be considering budgets for the 1993-94 school year; and

Whereas, failure to enact this legislation as an emergency will prevent school administrative districts from realizing the benefits of this improved budget process until 1994; and

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

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2 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

6 **Sec. 1. 20-A MRSA §1304, sub-§3**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

8 **3. Budget consideration.** The budget shall must be
10 thoroughly explained and the voters must be advised that an
12 article must be voted on by written ballot if 10% of those
14 present and voting vote to have a written ballot on that article.
The voters shall must have an opportunity to be heard. The
voters may change only items dealing with:

16 A. The expenses necessary to operate the school
administrative district;

18 B. Appropriations for the reserve fund; or

20 C. Appropriations for the contingency fund and school
22 construction purposes.

24 **Sec. 2. 20-A MRSA §1304, sub-§6**, as enacted by PL 1983, c.
770, §1, is repealed.

26 **Sec. 3. 20-A MRSA §1305, sub-§2**, as amended by PL 1983, c.
28 770, §2, is further amended to read:

30 **2. Application.** Following the board of director's
32 declaration that the article has passed, the board shall cause
the voting at all future district budget meetings and to be
called within each municipality within the district. The voting
34 shall must be held in accordance with the procedures set out in
sections 1351 to 1354, except that the warrant and absentee
36 ballots for the meeting shall must be prepared and distributed to
the municipal clerks at least 14 days prior to the date of the
38 referendum. The board may shall hold ~~informational meetings~~ a
public hearing on voting procedure and the budget at least 7 days
40 prior to voting the referendum vote in lieu of hearings under
Title 30-A, section 2528, subsection 5. The board shall ~~be~~ is
42 responsible for the form of the articles to be voted on in the
municipalities, except as otherwise provided by law.

44 **Sec. 4. 20-A MRSA §1305, sub-§3**, as repealed and replaced by
46 PL 1983, c. 770, §3, is amended to read:

48 **3. Failure to approve a budget.** If the budget or portion
of the budget fails to receive a majority vote at the referendum,
50 the board of directors shall hold an additional public hearing on

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2 the budget. The board shall decide in a public proceeding
3 whether subsequent votes on the budget or portion of the budget
4 which that was defeated shall must be conducted in accordance
5 with the referendum procedure in subsection 2, or at a district
6 budget meeting held at a single place in the district, in
7 accordance with the procedures in sections 1303 and 1304. These
8 referenda or meetings shall must be held solely for the purpose
9 of approving an-alternative-operating a school budget to replace
10 the part budget or portion of the proposed budget which that the
11 voters failed to approve. The board may shall continue in this
12 manner until an-alternative a complete budget is adopted.

13 Sec. 5. 20-A MRSA §1308, as amended by PL 1991, c. 429, §3,
14 is further amended to read:

15 §1308. Failure to pass budget

16 If a budget, or a portion of a budget, for the operating of
17 the district is not approved prior to July 1st, the budget, or
18 unapproved portion of the budget, as submitted by the board of
19 directors is automatically considered the budget, or portion of
20 the budget, approved for operational expenses for-the-ensuing
21 year until a complete budget is approved by the voters, except
22 that, when the school board delays the school budget meeting in
23 accordance with section 15617, subsection 2, paragraph C, the
24 operating budget must be approved within 30 days of the date the
25 commissioner notifies the school board of the amount allocated to
26 the school unit under section 15613 or the budget, or unapproved
27 portion of the budget, submitted by the directors becomes the
28 operating budget for-the-next-school-year, or portion of the
29 budget, until a complete budget is approved by the voters. The
30 directors shall continue to present a budget, or portion of a
31 budget, to the voters until a complete budget is approved.

32 Sec. 6. 20-A MRSA §1309, as amended by PL 1983, c. 806, §19,
33 is further amended to read:

34 §1309. Special budget meeting

35 The school board may call a special budget meeting when they
36 declare it declares an emergency to-exist exists. The voters of
37 the district may authorize the directors at a special district
38 budget meeting to expend additional funds from the district's
39 undesignated fund balance or to pledge the credit of the district
40 to obtain additional moneys money for the operation of schools.
41 The special budget meeting shall must be held in accordance with
42 sections 1302 to 1307.

43 Sec. 7. 20-A MRSA §1311, sub-§1, ¶C, as amended by PL 1983, c.
44 422, §5, is further amended to read:

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2 C. Minor capital costs as defined in section ~~15503~~ 15603,
subsubsection ~~14~~ 18.

4 **Sec. 8. 20-A MRSA §1353, sub-§2, ¶A**, as amended by PL 1989, c.
6 104, Pt. C, §§8 and 10, is further amended to read:

8 A. The voting at referendum held in towns shall ~~shall~~ must be
10 held and conducted in accordance with Title 30-A, sections
12 2524 and 2528 to 2532, even though the town has not accepted
14 the provisions of Title 30-A, sections 2524 and 2525, except
16 that the board of directors shall conduct a public hearing
18 on the subject of the proposed article at least 7 days
20 before the vote. The facsimile signature of the clerk under
22 Title 30-A, section 2528, subsection 6, paragraph F, shall
24 must be that of the ~~chairman~~ chair of the board of
directors. If a district referendum is called to be held
simultaneously with any statewide election, the voting in
towns shall must be held and conducted in accordance with
Title 21-A, except that the duties of the Secretary of State
shall ~~be~~ are performed by the board. The absentee voting
procedure of Title 21-A shall must be used, except the
duties of the Secretary of State shall ~~be~~ are performed by
the board.

26 **Sec. 9. 20-A MRSA §15617, sub-§2, ¶B**, as amended by PL 1991,
c. 716, §6, is further amended to read:

28 B. Notwithstanding a provision of statute or charter to the
30 contrary, school administrative units may ~~adopt~~ consider the
32 adoption of an annual budget at any time prior to June 30th,
except that the school budgets for applied technology
regions shall must be adopted on or before August 1st.

34 **Sec. 10. 20-A MRSA §15617, sub-§2, ¶C**, as enacted by PL 1991,
36 c. 429, §6, is amended to read:

38 C. Notwithstanding any municipal charter provision,
40 ordinance or other law to the contrary, if the level of
42 state subsidy for the next school year is not finalized in
accordance with this chapter before June 1st, the school
44 board may delay a school budget meeting otherwise required
46 to be held before July 1st to a date after July 1st. If a
school board elects to delay a school budget meeting under
this paragraph, the meeting must be held ~~and the budget~~
48 approved within 30 days of the date the commissioner
notifies the school board of the amount allocated to the
school administrative unit under section 15613. When a
school budget meeting is delayed under this section, the
50 school administrative unit may continue operation of the

unit at the same budget levels as were approved for the previous year. Continued operation under the budget for the previous year is limited to the time between July 1st and the date ~~the new budget goes into effect~~ of the budget meeting.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

FISCAL NOTE

The additional local costs of holding public hearings to discuss school budgets will require 90% funding by the State as a state mandate pursuant to the Constitution of Maine. The General Fund appropriations required to fund these costs can not be estimated at this time.'

STATEMENT OF FACT

This amendment makes the following changes to required budget procedures in a school administrative district or "S.A.D." The amendment:

1. Requires that voters be informed at a district budget meeting that articles may be voted on by written ballot at the request of 10% of those present and voting. Current law does not require that voters be informed of this option;

2. Requires that absentee ballots for an SAD referendum be prepared and distributed at least 14 days prior to the referendum. Current law provides that absentee ballots be distributed 30 days prior to the referendum. This provision brings the time period required for distributing absentee ballots into line with the time period required for distributing the warrant. It also encourages more timely adoption of a budget if the budget fails at a referendum by shortening the time before the next referendum may be held;

3. Requires that the board of directors hold a public hearing at least 7 days before a referendum. If the budget or a portion of the budget fails at a referendum, the board of directors must hold an additional public hearing. A public hearing is optional under current law;

4. Requires that if a budget or a portion of a budget fails, the board of directors must continue to present a budget or portion of the budget until a complete budget is adopted. The

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2 budget or portion of the budget proposed by the board of
directors is the approved budget until the new budget is adopted;

4 5. Permits voters in an SAD to authorize the board of
directors to expend funds from the district's undesignated fund
6 balance; and

8 6. Makes other technical changes to the laws.

10 The amendment also adds the state mandate preamble, an
emergency preamble and emergency clause and a fiscal note.

Reported by Senator O'Dea for the Committee on Education.
Reproduced and Distributed Pursuant to Senate Rule 12.
(5/18/93) (Filing No. S-163)