

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3/22/96

(Filing No. H- 825)

MINORITY
EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 657, L.D. 880, Bill, "An Act Concerning Referendum Reform for School Budgets"

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.

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

Sec. 1. 20-A MRSA §1305, sub-§2, as amended by PL 1993, c. 372, §1, is further amended to read:

2. Application. Following the board of directors' declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called done by referendum within each municipality within the district. The voting must be held in accordance with the procedures set out in sections 1351 to 1354, except that the warrant and absentee ballots for the meeting must be prepared and distributed to the municipal clerks at least 14 days prior to the date of the referendum. The board may hold informational meetings on voting procedure and budget prior to voting. The

R. & S.

COMMITTEE AMENDMENT "B" to H.P. 657, L.D. 880

board shall be is responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law. Each year, the initial referendum vote on the district budget must include the following article:

"Shall School Administrative District No..... require that, if this budget or a portion of this budget fails to receive a majority vote, subsequent votes on this budget must be done by referendum?

10

... Yes ... No"

12

Sec. 2. 20-A MRSA §1305, sub-§3, as amended by PL 1993, c. 372, §2, is repealed and the following enacted in its place:

3. Failure to approve budget. If the budget or a portion of the budget fails to receive a majority vote at the referendum, the board of directors shall act in accordance with the following.

A. If a majority of the voters voting on the first budget supported the article in subsection 2, the board of directors shall conduct all subsequent votes on the budget or the portion of the budget that was defeated in accordance with the referendum procedure in subsection 2. A maximum of 3 referenda may be held on the annual budget.

26

B. If a majority of the voters voting on the first budget did not support the article in subsection 2, the board of directors shall decide in a public forum whether subsequent votes on the portion of the budget that was defeated must be conducted in accordance with the referendum procedure in subsection 2 or at a district budget meeting held at a single place in the district in accordance with procedures in sections 1303 and 1304. Subsequent votes conducted in accordance with the referendum procedure in subsection 2 must be held within 45 days. Subsequent votes conducted in accordance with sections 1303 and 1304 must be held within 30 days. These referenda or meetings must be held solely for the purpose of approving an alternative operating school budget to replace the part of the proposed budget that the voters failed to approve.

42

Sec. 3. 20-A MRSA §1308, as amended by PL 1991, c. 429, §3, is repealed and the following enacted in its place:

§1308. Failure to pass budget by August 1st; spending limited; mediation

48

If a budget for the operation of the district is not approved by August 1st, the following provisions apply.

50

COMMITTEE AMENDMENT "B" to H.P. 657, L.D. 880

2 1. Spending limited. The district is authorized to spend
4 only for:

6 A. District needs governed by an existing contract; and

8 B. Essential services, as determined by the school board.

10 2. Mediation required. A mediation team must be formed,
12 subject to rules adopted by the commissioner, to develop and
14 decide upon a budget for the fiscal year. Rules adopted pursuant
16 to this section are major substantive rules as defined in Title
18 5, chapter 375, subchapter II-A. The mediation team consists of
20 4 members of the school board appointed by the school board, 4
municipal officers or council members appointed by the municipal
officers or town councils of the towns in the district and one
nonvoting facilitator appointed by the commissioner. A vote of 5
voting members of the mediation team is necessary to approve the
budget. The budget must be approved by the start of the school
year.'

22 Further amend the bill by inserting at the end before the
24 statement of fact the following:

26 **FISCAL NOTE**

28 This bill requires that school administrative unit budget
30 warrants include an additional article and that mediation teams
32 be formed to negotiate school district budgets in certain
34 situations. The additional costs of this state mandate are not
36 expected to be significant on an individual school district
basis. Pursuant to the Mandate Preamble, the 2/3 vote of all
members elected to each House exempts the State from the
constitutional requirement to fund 90% of the additional local
costs.

38 The Department of Education will incur some minor additional
40 costs to adopt rules related to the development of these
42 mediation teams. These costs can be absorbed within the
department's existing budgeted resources.'

44 **STATEMENT OF FACT**

46 This amendment is the minority report and replaces the
48 bill. Under current law, school administrative districts that
vote on school budgets by referendum in each town have 2 options
for subsequent votes if they fail to approve a budget at the
50 first vote. Following each failed vote, the school

R.S.
COMMITTEE AMENDMENT "B" to H.P. 657, L.D. 880

2 administrative district school board must decide whether the next
vote must be conducted by the referendum method or at a district
4 budget meeting held in one location within the district.

6 This amendment requires the school administrative districts
that adopt the referendum method to place an article on the
annual budget warrant asking if subsequent votes on the budget
8 that year must be done by the referendum method. If a majority
of the voters in the school administrative district vote yes, all
10 votes on the budget that year, up to a total of 3, must be done
by referendum. The referendum process may not occur more than 3
12 times or continue past August 1st.

14 If the voters reject the article, the school administrative
district school board shall decide in a public meeting whether
16 the next vote must be conducted by the referendum method or at a
district budget meeting held in one location within the
18 district. Whichever method the board adopts, the vote must be
held prior to August 1st.

20 If the budget is not adopted by August 1st, spending in the
22 district is limited to spending for current contracts and
essential school needs, as defined by the school board. A
24 9-member mediation team must be formed to negotiate the district
budget, subject to rules adopted by the Commissioner of
26 Education. The rules are major substantive rules and must be
reviewed by the Legislature prior to adoption. The mediation
28 team consists of 9 members: 4 school board members, appointed by
the school board; 4 municipal officers or town council members,
30 appointed by the municipal officers or town councils of the towns
in the school administrative district; and one nonvoting
32 facilitator appointed by the commissioner. A vote of 5 of the
voting members of the mediation team is needed to approve the
34 budget. The budget must be adopted by the beginning of the
district school year.