

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 880

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H.P. 657

House of Representatives, March 21, 1995

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### An Act Concerning Referendum Reform for School Budgets.

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative REED of Dexter.  
Cosponsored by Senator HALL of Piscataquis and  
Representatives: BAILEY of Township 27, CAMERON of Rumford, CLUKEY of Houlton,  
CROSS of Dover-Foxcroft, DEXTER of Kingfield, GOULD of Greenville, KNEELAND of  
Easton, LANE of Enfield, LEMONT of Kittery, LUMBRA of Bangor, MARSHALL of Eliot,  
MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, NADEAU of Saco,  
ROTONDI of Madison, TUFTS of Stockton Springs, VIGUE of Winslow, Senators: AMERO  
of Cumberland, BENOIT of Franklin, FERGUSON of Oxford, HARRIMAN of Cumberland,  
KIEFFER of Aroostook.

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

2           **Sec. 1. 20-A MRSA §1305, sub-§3**, as amended by PL 1993, c.  
4 372, §2, is further amended to read:

6           **3. Failure to approve a budget.** If the budget or a portion  
8 of the budget fails to receive a majority vote at the referendum,  
10 ~~the board of directors shall decide--in--a--public--proceeding~~  
12 ~~whether--subsequent--votes~~ conduct a maximum of 2 subsequent votes  
14 by referendum on the portion of the budget that was defeated.  
16 The 1st and 2nd subsequent referenda must be conducted in  
18 accordance with the referendum procedure in subsection 2 ~~or--at--a~~  
20 ~~district--budget--meeting--held--at--a--single--place--in--the--district--in~~  
22 ~~accordance--with--procedures--in--sections--1303--and--1304.--~~Subsequent  
24 ~~votes--conducted--in--accordance--with--the--referendum--procedure--in~~  
~~subsection--2~~ and 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. ~~The--board--may--continue--in--this--manner--until~~  
~~an--alternative--budget--is--adopted.~~ If, by the end of the 2nd  
subsequent vote by referendum, an alternative budget has not been  
passed, the district shall revert to the previous year's budget.

26           **Sec. 2. 20-A MRSA §1308**, as amended by PL 1991, c. 429, §3,  
28 is further amended to read:

30           **§1308. Failure to pass budget**

32           If a budget for the operating of the district is not  
34 approved prior to July 1st, ~~the budget--as--submitted--by--the--board~~  
36 ~~of--directors--is--automatically--considered~~ district's budget from  
38 the previous year automatically becomes the budget approved for  
operational expenses for the ensuing year, ~~--except--that.~~  
40 Notwithstanding this section, when the school board delays the  
42 school budget meeting in accordance with section 15617,  
44 subsection 2, paragraph C, the operating budget must be approved  
within 30 days of the date the commissioner notifies the school  
board of the amount allocated to the school unit under section  
15613 ~~or--the--budget--submitted--by--the--directors--becomes--the~~  
operating budget for the next school year. If the budget is not  
approved within 30 days of the notification date, the district's  
budget from the previous year automatically becomes the approved  
budget for operational expenses for the ensuing year.

46           **Sec. 3. 20-A MRSA §1353, sub-§4** is enacted to read:  
48

2       4. Failure to approve budget. If the board of directors  
3       declares that an article has not passed pursuant to subsection 3,  
4       paragraph D, it shall follow the procedures in sections 1305 and  
5       1308 until an operating budget has been established.

6

8   **STATEMENT OF FACT**

10           This bill requires that, if an article or several articles  
11           of a school district budget fail to pass in an initial  
12           referendum, a maximum of 2 subsequent referenda may be held to  
13           establish the budget. If no budget has been passed after the 3rd  
14           referendum, the previous year's operating budget becomes the  
15           approved budget.