

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

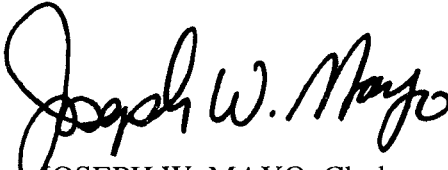
No. 1346

H.P. 949

House of Representatives, February 16, 1999

**An Act to Amend the Laws Regarding the School Administrative
District Budget Approval Process.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: BAGLEY of Machias, BAKER of Bangor, COTE of
Lewiston, MENDROS of Lewiston, SAXL of Bangor, SHIELDS of Auburn, Senators:
FERGUSON of Oxford, LIBBY of York.

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

2 **Sec. 1. 20-A MRSA §1305, sub-§2**, as amended by PL 1993, c.
4 372, §1, 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 and to be
10 conducted by secret ballot referendum process. The voting must
11 be held in accordance with the procedures set out in sections
12 1351 to 1354, except that the warrant and absentee ballots for
13 ~~the meeting~~ voting must be prepared and distributed to the
14 municipal clerks at least 14 days prior to the date of the
15 referendum. The board may hold informational meetings on voting
16 procedure and budget prior to voting. The board ~~shall be~~ is
17 responsible for the form of the articles to be voted on in the
18 municipalities, except as otherwise provided by law.

20 **Sec. 2. 20-A MRSA §1305, sub-§3**, as amended by PL 1993, c.
21 372, §2, is further amended to read:

22 **3. Failure to approve a budget.** If the budget or a portion
23 of the budget fails to receive a majority vote at the referendum,
24 the board of directors shall ~~decide in a public proceeding~~
25 ~~whether subsequent votes on the portion of the budget that was~~
26 ~~defeated must be conducted~~ consider modifications to the proposed
27 budget or portions of the proposed budget that were not approved
28 and submit subsequent budget proposals to the voters in
29 accordance with the referendum procedure in subsection 2 ~~or at a~~
30 ~~district budget meeting held at a single place in the district in~~
31 ~~accordance with procedures in sections 1303 and 1304~~. Subsequent
32 votes conducted in accordance with the referendum procedure in
33 subsection 2 must be held within 45 days. ~~Subsequent votes~~
34 ~~conducted in accordance with sections 1303 and 1304 must be held~~
35 ~~within 30 days~~. These referenda ~~or meetings~~ must be held solely
36 for the purpose of approving an alternative operating school
37 budget to replace the part of the proposed budget that the voters
38 failed to approve. The board may continue in this manner until
39 an alternative budget is adopted, except that if the budget or a
40 portion of the budget is submitted to referendum for a 3rd time,
41 the board of directors may not submit a budget proposal with a
42 total amount greater than the school budget for the previous year
43 plus an increase adjusted for the Consumer Price Index, as
44 defined in Title 36, section 5402, subsection 1. If a budget or
45 a portion of the budget fails to receive a majority vote at a 3rd
46 referendum, a budget proposal submitted at any subsequent
47 referendum must be lower than the proposal made at the previous
48 referendum.

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SUMMARY

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Under current law, when the voters in a School Administrative District (SAD) have failed to adopt their budget by referendum, the board of directors of the SAD can decide to bring the budget to a 2nd or subsequent vote at an open meeting rather than by referendum. This bill requires school budgets to be adopted by referendum. This bill also requires that a budget proposal submitted a 3rd time may not be greater than the previous school year's budget plus an increase adjusted for the Consumer Price Index. For a budget submitted more than 3 times, the budget proposal submitted to referendum must be lower than the proposal made at the previous referendum.