

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1766

S.P. 683

In Senate, December 30, 2005

An Act To Further the Implementation of the Essential Programs and Services Funding Model

Submitted by the Department of Education pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.
Cosponsored by Representative NORTON of Bangor.

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

2
3 **Sec. 1. 20-A MRSA §15671-A, sub-§5**, as amended by PL 2005, c.
4 12, Pt. WW, §3 and affected by §18, is further amended to read:

6 **5. Exceeding maximum state and local spending target.** If
7 the sum of a school administrative unit's required local
8 contribution determined pursuant to section 15688, subsection 3-A
9 plus the state contribution as calculated pursuant to section
10 15688, subsection 3-A, paragraph D, plus any state funds
11 resulting from a transition adjustment pursuant to section 15686,
12 plus any additional local amount proposed to be raised pursuant
13 to section 15690, subsection 3 exceeds the school administrative
14 unit's maximum state and local spending target established
15 pursuant to subsection 4, the following provisions govern
16 approval of that additional amount.

18 A. The article approving the additional amount must conform
19 to the requirements of section 15690, subsection 3,
20 paragraph B. Notwithstanding section 1304, subsection 6;
21 section 1701, subsection 7; Title 30-A, section 2528,
22 subsection 5, or any other provision of law, municipal
23 charter provision or ordinance, voter approval of the
24 article, whether in town meeting, district meeting or other
25 voting process established by law, municipal charter or
26 ordinance, including, but not limited to, any vote on the
27 article initiated by voter petition, must be by referendum
28 or written ballot.

30 B. In a municipality where the responsibility for final
31 adoption of the school budget is vested by the municipal
32 charter in a council, this paragraph applies, except that
33 the petition and referendum provisions apply only if the
34 municipal charter does not otherwise provide for or prohibit
35 a petition and referendum process with respect to the
36 matters described in this paragraph.

38 (1) A majority of the entire membership of the school
39 board or committee must approve the additional amount
40 in a regular budget meeting.

42 (2) An article approving the additional amount must
43 conform to the requirements of section 15690,
44 subsection 3, paragraph B and be approved by a majority
45 of the entire membership of the council in a vote taken
46 in accordance with section 15690, subsection 5 or, if
47 the council votes not to approve the article, by a
48 majority of voters voting in a referendum called
49 pursuant to subparagraph (4).
50

2 (3) If an article is approved by the council pursuant
to subparagraph (2), the voters may petition for a
4 referendum vote on the same article in accordance with
subparagraph (4). If a petition is filed in accordance
6 with subparagraph (4), the vote of the council is
suspended pending the outcome of the referendum vote.
8 Upon approval of the article by a majority of the
voters voting in that referendum, the article takes
10 effect. If the article is not approved by a majority
of the voters voting in that referendum, the article
12 does not take effect. Subsequent to the vote, the
school committee or board may again propose an
14 additional amount, subject to the requirements of this
section.

16 (4) If a written petition, signed by at least 10% of
the number of voters voting in the last gubernatorial
18 election in the municipality, requesting a vote on the
additional amount is submitted to the municipal
20 officers within 30 days of the council's vote pursuant
to subparagraph (2), the article voted on by the
22 council must be submitted to the legal voters in the
next regular election or a special election called for
24 the purpose. The election must be held within 45 days
of the submission of the petition. The election must
26 be called, advertised and conducted according to the
law relating to municipal elections, except that the
28 registrar of voters is not required to prepare or the
clerk to post a new list of voters and absentee ballots
30 must be prepared and made available at least 14 days
prior to the date of the referendum. For the purpose
32 of registration of voters, the registrar of voters must
be in session the secular day preceding the election.
34 The voters shall indicate by a cross or check mark
placed against the word "Yes" or "No" their opinion on
36 the article. The results must be declared by the
municipal officers and entered upon the municipal
38 records.

40 **Sec. 2. 20-A MRSA §15690. sub-§3, ¶A,** as amended by PL 2005,
c. 12, Pt. WW, §6 and affected by §18, is further amended to
42 read:

44 A. If the amount of the additional funds does not result in
the unit's exceeding its maximum state and local spending
46 target established pursuant to section 15671-A, subsection
4, an article in substantially the following form must be
48 used when a school administrative unit is considering the
appropriation of additional local funds:
50

2 (1) "Article: To see what sum the (municipality
4 or district) will raise and to appropriate the sum of
6 (Recommend \$.....) in additional local funds for school
8 purposes under the Maine Revised Statutes, Title 20-A,
10 section 15690. (Recommend \$.....)"

12 (2) The following statement must accompany the article
14 in subparagraph (1). "Explanation: The additional
16 local funds are those locally raised funds over and
18 above the school administrative unit's local
20 contribution to the total cost of funding public
22 education from kindergarten to grade 12 as described in
24 the Essential Programs and Services Funding Act and
26 local amounts raised for the annual ~~debt--service~~
28 payment on ~~previously-approved non-state-funded school~~
30 ~~construction-projects-and-the-non-state-funded-portion~~
32 ~~of--school--construction--projects--and--minor--capital~~
34 ~~projects~~ debt service that will help achieve the
36 (municipality's or district's) budget for educational
38 programs."

40 **Sec. 3. 20-A MRSA §15690, sub-§3, ¶B,** as enacted by PL 2005,
42 c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW,
44 §18, is amended to read:

46 B. If the amount exceeds the unit's maximum state and local
48 spending target established pursuant to section 15671-A,
50 subsection 4, an article in substantially the following form
must be used when a school administrative unit is
considering an appropriation of additional local funds.

32 (1) "Article: Shall (name of municipality or
34 district) raise and appropriate \$..... in additional
36 local funds, which exceeds the State's Essential
Programs and Services funding model by \$.....?"

38 The (school committee or board of directors) recommends
40 \$..... for additional local funds and gives the
42 following reasons for exceeding the State's Essential
Programs and Services funding model by \$.....:
(state-reasons)

44 (2) The following statement must accompany the article
46 in subparagraph (1). "Explanation: The additional
48 local funds are those locally raised funds over and
50 above the school administrative unit's local
contribution to the total cost of funding public
education from kindergarten to grade 12 as described in
the Essential Programs and Services Funding Act and
local amounts raised for the annual ~~debt--service~~

2 payment on non-state-funded ~~school---construction~~
3 ~~projects--or--the--non--state--funded--portion--of--a--school~~
4 ~~construction--project~~ debt service that will help
5 achieve the (municipality's or district's) budget for
6 educational programs."

6

8

SUMMARY

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 The bill provides for the continuing implementation of
11 essential programs and services, or "EPS," necessitated by
12 current statutory requirements and makes changes designed to
13 achieve the goals of the EPS funding model of adequacy and equity
14 in the funding of education for kindergarten to grade 12.