

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1696

H.P. 1248

House of Representatives, December 23, 2011

An Act To Modify the Alternative Organizational Structure Budget Approval Process

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. 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, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BURNS of Whiting.
Cosponsored by Senator MASON of Androscoggin and
Representatives: DAVIS of Sangerville, HARMON of Palermo, MAKER of Calais, McKANE
of Newcastle, TURNER of Burlington, WILLETTE of Mapleton, Senators: GERZOFSKY of
Cumberland, President RAYE of Washington.

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

2 **Sec. 1. 20-A MRSA §1461-B, sub-§3, ¶C**, as enacted by PL 2009, c. 580, §5, is
3 amended to read:

4 C. The budget procedures of member entities of an alternative organizational
5 structure must conform to the format and referendum procedures set forth in sections
6 1485 and 1486 for regional school units. The budget of the alternative organizational
7 structure must be approved at a meeting of the voters of all of the member entities
8 conducted in accordance with the procedures applicable to a regional school unit
9 budget meeting except as provided in paragraph D. The budget of an alternative
10 organizational structure is not subject to a separate budget validation referendum as
11 described in section 1486.

12 **Sec. 2. 20-A MRSA §1461-B, sub-§3, ¶D** is enacted to read:

13 D. The governing body of an alternative organizational structure, by majority vote,
14 may authorize a change in the alternative organizational structure budget approval
15 procedures in paragraph C to require a budget approval by the governing body of the
16 alternative organizational structure instead of a meeting of the voters of all of the
17 member entities of the alternative organizational structure. The change in procedure
18 must be authorized by a majority of the total number of voters of all of the member
19 entities in the alternative organizational structure at the next statewide election. The
20 article to be voted upon must be in substantially the following form:

21 "Article: Do you favor changing the (name of alternative organizational
22 structure) budget approval procedure from a meeting of the voters to a vote by
23 the governing body of the alternative organizational structure?

24 Yes No"

25 If approved by the voters, the budget approval procedure changes to a majority vote
26 of the governing body of the alternative organizational structure at a budget meeting.
27 This procedure must remain in effect for at least 3 budget years before the alternative
28 organizational structure may return to the requirement that a budget be approved at a
29 meeting of the voters of all of the member entities of the alternative organizational
30 structure.

31 An article to consider reinstatement of the budget approval procedure in which the
32 budget is approved at a meeting of the voters of all of the member entities may be
33 placed on a warrant for referendum vote by either a majority vote of the governing
34 body of the alternative organizational structure or by a written petition to the
35 governing body of the alternative organizational structure signed by a number of
36 voters of member entities of the alternative organizational structure equal to at least
37 10% of the voters who voted in the last gubernatorial election in the member entities
38 of the alternative organizational structure. The governing body of the alternative
39 organizational structure shall place the article on the next scheduled warrant or an
40 earlier one if determined appropriate by the governing body of the alternative
41 organizational structure. The article to be voted upon must be in substantially the
42 following form:

1 "Article: Do you favor changing the (name of alternative organizational
2 structure) budget approval procedure from a vote by the governing body of the
3 alternative organizational structure to a meeting of the voters?

4 Yes No"

5 If approved by a majority of the total number of voters of all of the member entities
6 in the alternative organizational structure, the budget approval procedure changes to a
7 meeting of the voters of all of the member entities of the alternative organizational
8 structure beginning in the next budget year or the following budget year if the
9 approval occurs less than 90 days before the start of the next budget year. Once
10 approved by the voters, this procedure may not be changed for at least 3 budget years.

11 **SUMMARY**

12 This bill allows the budget of an alternative organizational structure formed pursuant
13 to the laws governing the consolidation of school units to be approved by the governing
14 body of the alternative organizational structure rather than at a meeting of the voters of all
15 of the member entities of the alternative organizational structure if such a budget
16 approval process is approved by the governing body of the alternative organizational
17 structure and at a referendum by the voters of all of the member entities of the alternative
18 organizational structure.