



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1635

S.P. 626

In Senate, December 23, 2013

An Act To Clarify the School Budget Development Process in Certain Charter Municipalities

(EMERGENCY)

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

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator GRATWICK of Penobscot. Cosponsored by Representative PRIEST of Brunswick and Senators: BOYLE of Cumberland, CRAVEN of Androscoggin, GERZOFSKY of Cumberland, HASKELL of Cumberland, PATRICK of Oxford, Representatives: GRAHAM of North Yarmouth, MacDONALD of Boothbay, THERIAULT of Madawaska.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the school district reorganization law enacted in 2007 established a 4 uniform school budget validation referendum process for state-approved units of school 5 administration; and
- 6 **Whereas,** the new budget process also requires a school administrative unit of a 7 single municipality to integrate the referenda procedures with any school budget adoption 8 procedures that may have been previously established in that municipality's charter; and

9 **Whereas,** the law governing that integration has been interpreted to preempt 10 procedures established in a municipal charter that are merely procedural in nature and 11 allow for a duly elected municipal council to be involved in the development of a school 12 budget that is ultimately recommended to the legislative body; and

Whereas, clarifying legislation is immediately necessary to allow for procedures
 established by municipal charter to be made effective during the development of the
 2014-15 school budget; and

Whereas, in the judgment of the Legislature, these facts create an emergency within
the meaning of the Constitution of Maine and require the following legislation as
immediately necessary for the preservation of the public peace, health and safety; now,
therefore,

- 20 Be it enacted by the People of the State of Maine as follows:
- 21 Sec. 1. 20-A MRSA §2307, sub-§1, as enacted by PL 2007, c. 668, §28 and affected by §55, is amended to read:

1. Budget meeting. In charter municipalities the budget meeting required by section 1485, subsection 3 must be a meeting of the municipal council or other municipal legislative body established by the charter with authority to approve the budget. For budgets developed for a municipal school unit after January 1, 2014, this subsection does not preclude school budget development, review or recommendation procedures established in a municipal charter that occur prior to and in preparation for the budget meeting of the municipal council or other municipal legislative body.

30 Emergency clause. In view of the emergency cited in the preamble, this
 31 legislation takes effect when approved.

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SUMMARY

The school district reorganization law enacted in 2007 established a uniform school budget validation referendum process for state-approved units of school administration composed of 2 or more member municipalities. The new budget process requires that a state-approved unit of school administration composed of a single municipality must also integrate the referenda procedures with any school budget adoption procedures that may have been previously established in a municipal charter. This emergency bill clarifies in time for budgets developed after January 1, 2014 that the statute integrating the budget adoption law for municipal school units with municipal charters does not preempt municipal charter provisions that establish school budget development, review and recommendation procedures that occur prior to the meeting held by the municipal legislative body to vote on the school budget.