

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1748

H.P. 1127

House of Representatives, April 20, 2023

**An Act to Reform the School Budget Referendum Process by
Limiting the Circumstances in Which Referenda Occur**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ABDI of Lewiston.
Cosponsored by Representatives: ANKELES of Brunswick, CLOUTIER of Lewiston,
CLUCHEY of Bowdoinham, CRAVEN of Lewiston, DANA of the Passamaquoddy Tribe,
DHALAC of South Portland, STOVER of Boothbay, Senator: ROTUNDO of Androscoggin.

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

2 **Sec. 1. 20-A MRSA §1485, sub-§3**, as enacted by PL 2007, c. 240, Pt. XXXX,
3 §13, is amended to read:

4 **3. Budget approval.** A regional school unit's cost center summary budget must be
5 approved at a regional school unit budget meeting and, if required under section 1486, by
6 a budget validation referendum as provided in section 1486.

7 **Sec. 2. 20-A MRSA §1486**, as amended by PL 2015, c. 463, §2, is further amended
8 to read:

9 **§1486. Budget validation referendum**

10 After January 31, 2008, the procedure for approval of the annual budget of a regional
11 school unit must be in accordance with this section and section 1485.

12 **1. Budget validation.** ~~Following~~ If a referendum on the annual regional school unit
13 budget is required pursuant to this subsection, then following development of the annual
14 regional school unit budget and approval at a regional school unit budget meeting as
15 provided in section 1485, a referendum must be held in the regional school unit as provided
16 in this section to allow the voters to validate or reject the total budget adopted at the regional
17 school unit budget meeting.

18 ~~Every 3 years, the voters in a regional school unit shall consider continued use of the budget~~
19 ~~validation referendum process. The warrant at the budget validation referendum in the 3rd~~
20 ~~year following adoption or continuation of the referendum process must include an article~~
21 ~~by which the voters of the school administrative unit may indicate whether they wish to~~
22 ~~continue the process for another 3 years. The warrant for the referendum to validate the~~
23 ~~fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the~~
24 ~~process for 3 additional years. A vote to discontinue the process ends its use beginning~~
25 ~~with the following budget year and prohibits its reconsideration for at least 3 years.~~

26 ~~An article to consider reinstatement of the budget validation referendum process may be~~
27 ~~placed on a warrant for a referendum vote by either a majority vote of the regional school~~
28 ~~unit board or a written petition filed with the regional school unit board by at least 10% of~~
29 ~~the number of voters voting in the last gubernatorial election in the municipalities in the~~
30 ~~school administrative unit. The regional school unit board shall place the article on the~~
31 ~~next scheduled warrant or an earlier one if determined appropriate by the regional school~~
32 ~~unit board. If adopted by the voters, the budget validation referendum process takes effect~~
33 ~~beginning in the next budget year or the following budget year if the adoption occurs less~~
34 ~~than 90 days before the start of the next budget year. Once approved by the voters, the~~
35 ~~budget validation referendum process may not be changed for 3 years.~~

36 A referendum is required under this section if a written petition, signed by at least 20% of
37 the number of voters voting in the last gubernatorial election in the municipalities in the
38 school administrative unit, is filed with the regional school unit board within 30 days of the
39 approval of the budget at a regional school unit budget meeting as provided in section 1485.

40 **2. Validation referendum procedures.** The budget validation referendum must be
41 held on or before the 30th calendar day following the ~~scheduled date of the regional school~~
42 ~~unit budget meeting~~ receipt of a petition in accordance with subsection 1. The referendum
43 may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose

1 of approving or rejecting the total regional school unit budget approved at the regional
2 school unit budget meeting. The regional school unit board shall provide printed
3 information to be displayed at polling places to assist voters in voting. That information is
4 limited to the total amounts proposed by the regional school unit board for each cost center
5 summary budget category article, the amount approved at the regional school unit budget
6 meeting, a summary of the total authorized expenditures and, if applicable because of
7 action on an article under section 15690, subsection 3, paragraph A, a statement that the
8 amount approved at the regional school unit budget meeting includes locally raised funds
9 that exceed the maximum state and local spending target pursuant to section 15671-A,
10 subsection 5. If the legislative body of the regional school unit at the regional school unit
11 budget meeting approves an article pursuant to section 1485, subsection 5, the substance
12 of the article must be included in the printed information displayed at polling places for the
13 budget validation referendum.

14 **3. Budget validation referendum voting.** The method of calling and voting at a
15 budget validation referendum is as provided in sections 1502 and 1503, except as otherwise
16 provided in this subsection or as is inconsistent with other requirements of this section.

17 A. A public hearing is not required before the vote.

18 C. The warrant and absentee ballots must be delivered to the municipal clerk no later
19 than the day after the ~~date of the regional school unit budget meeting~~ receipt of a
20 petition in accordance with subsection 1.

21 D. Absentee ballots received by the municipal clerk may not be processed or counted
22 unless received ~~on the day after the conclusion of the regional school unit budget~~
23 ~~meeting and~~ before the close of the polls.

24 E. All envelopes containing absentee ballots received before the day after the
25 ~~conclusion of the regional school unit budget meeting~~ receipt of a petition in
26 accordance with subsection 1 or after the close of the polls must be marked "rejected"
27 by the municipal clerk.

28 F. The article to be voted on must be in the following form:

29 (1) "Do you favor approving the (name of regional school unit) budget for the
30 upcoming school year that was adopted at the latest (name of regional school unit)
31 budget meeting?"

32 Yes No"

33 **4. Failure to approve budget.** If the voters do not validate the budget approved in
34 the regional school unit budget meeting at the budget validation referendum vote, the
35 regional school unit board shall hold another regional school unit budget meeting in
36 accordance with this section and section 1485 at least 10 days but no longer than 45 days
37 after the referendum to vote on a budget approved by the regional school unit board. The
38 budget approved at the regional school unit budget meeting must be submitted to the voters
39 for validation at referendum if required in accordance with this section. The process must
40 be repeated until a budget is approved ~~at a regional school unit budget meeting and~~
41 ~~validated at referendum~~ in accordance with this section and section 1485. If a budget is not
42 approved ~~and validated~~ before July 1st of each year, section 1487 applies.

43 **Sec. 3. 20-A MRS §1487**, as amended by PL 2007, c. 668, §21, is further amended
44 to read:

