

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 372

S.P. 252 - L.D. 771

An Act to Enhance Voters' Rights in Budget Approval of School Districts

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation amends current law concerning the procedure for adopting an annual school administrative district budget; and

Whereas, school administrative districts are now or soon will be considering budgets for the 1993-94 school year; and

Whereas, failure to enact this legislation as an emergency will prevent school administrative districts from realizing the benefits of this improved budget process until 1994; 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,

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

Sec. 1. 20-A MRSA §1305, sub-§2, as amended by PL 1983, c. 770, §2, is further amended to read:

2. Application. Following the board of director's declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called within each municipality within the district. The voting ~~shall~~ must be held in accordance with the procedures set out in sections 1351 to 1354, except that the warrant and absentee ballots for the meeting ~~shall~~ must be prepared and distributed to the municipal clerks at least 14 days prior to the date of the referendum. The board may hold informational meetings on voting procedure and budget prior to voting. The board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

Sec. 2. 20-A MRSA §1305, sub-§3, as repealed and replaced by PL 1983, c. 770, §3, is amended to read:

3. Failure to approve a budget. If the budget or a portion of the budget fails to receive a majority vote at the referendum, the board of directors shall decide in a public proceeding whether subsequent votes on the portion of the budget which that was defeated ~~shall~~ must be conducted in accordance with the referendum procedure

in subsection 2; or at a district budget meeting held at a single place in the district; in accordance with procedures in sections 1303 and 1304. Subsequent votes conducted in accordance with the referendum procedure in subsection 2 must be held within 45 days. Subsequent votes conducted in accordance with sections 1303 and 1304 must be held within 30 days. These referenda or meetings ~~shall~~ must be held solely for the purpose of approving an alternative operating school budget to replace the part of the proposed budget which that the voters failed to approve. The board may continue in this manner until an alternative budget is adopted.

Sec. 3. 20-A MRSA §1309, as amended by PL 1983, c. 806, §19, is further amended to read:

§1309. Special budget meeting

The school board may call a special budget meeting when ~~they declare it declares~~ it declares an emergency ~~to exist exists~~. The voters of the district may authorize the directors at a special district budget meeting to expend additional funds from the district's undesignated fund balance or to pledge the credit of the district to obtain additional moneys money for the operation of schools. The special budget meeting ~~shall~~ must be held in accordance with sections 1302 to 1307.

Sec. 4. 20-A MRSA §1311, sub-§1, ¶C, as amended by PL 1983, c. 422, §5, is further amended to read:

C. Minor capital costs as defined in section ~~15503~~ 15603, subsection ~~14~~ 18.

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

Effective June 16, 1993.

CHAPTER 373

H.P. 934 - L.D. 1257

An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers

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

Sec. 1. 14 MRSA §6111, sub-§1, as enacted by PL 1991, c. 707, §1, is amended to read:

1. Notice; payment. With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property as the mortgagor's primary residence, the mortgagee may