

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

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

**Sec. 1. 10 MRSA §2413** is enacted to read:

**§2413. Gasoline labeling**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal RFG" means the reformulated gasoline blend approved by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) for sale and use in states other than California.

B. "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses automobile gasoline for retail sale.

C. "MTBE" means the gasoline-oxygenate methyl tertiary butyl ether.

**2. Prohibition.** A person may not own or operate a motor fuel dispenser in this State that dispenses automobile gasoline containing MTBE in a measurable quantity unless the dispenser has affixed on it in a position clear and conspicuous to a customer a label stating "contains MTBE" in a type at least 1/2 inch in height and at least 1/16 inch in width of stroke. The label may contain other information about the amount of MTBE in the gasoline, including a comparison with the amount found in federal RFG, as long as the information is accurate.

**Sec. 2. 38 MRSA §585-H** is enacted to read:

**§585-H. MTBE monitoring and reductions**

The department shall monitor shipments of gasoline to storage terminals in this State and compile annual reports showing the levels of methyl tertiary butyl ether, referred to in this section as "MTBE," in gasoline brought into this State.

The department shall promote and actively participate in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive. In these efforts, the department shall work toward the goal of the elimination of MTBE in gasoline sold in the State by January 1, 2003 in a manner that:

**1. Market constraints.** Adequately accounts for market constraints related to supply and pricing; and

**2. Lowest environmental impact.** Based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact.

The department shall annually, no later than February 1st of each year, present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the levels of MTBE in gasoline brought into this State and the progress made in achieving the goal of eliminating MTBE in gasoline sold in the State by January 1, 2003. The committee may report out to any session of any Legislature legislation relating to MTBE use in gasoline.

See title page for effective date.

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**CHAPTER 710**

**H.P. 949 - L.D. 1346**

**An Act to Improve the School  
Administrative District and  
Community School District Budget  
Development and Approval Process**

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

**Sec. 1. 20-A MRSA §405, sub-§10** is enacted to read:

**10. Comprehensive school budget approval procedure.** The state board shall develop a model comprehensive school budget approval procedure and, working in conjunction with the department, strongly encourage school administrative units to adopt and implement the model as local school board policy. The model procedure must be designed to provide early and continuous collaboration between school officials and municipal officials and to encourage frequent opportunity for public comment in the development of each unit's annual budget.

**Sec. 2. 20-A MRSA §1304, sub-§6**, as enacted by PL 1983, c. 770, §1, is repealed and the following enacted in its place:

**6. Written ballot.** An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist district budget meeting moderators in explaining and implementing this subsection.

**Sec. 3. 20-A MRSA §1305, first ¶**, as amended by PL 1987, c. 637, §1, is further amended to read:

If requested before January 31, 2001 by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities

within the district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities.

"Shall School Administrative District No..... require that the voting at future district budget meetings and special district budget meetings be done by referendum within each member municipality of the district instead of using the district meeting procedure?"

Yes      No      "

**Sec. 4. 20-A MRSA §1305, sub-§4**, as repealed and replaced by PL 1987, c. 637, §2, is repealed.

**Sec. 5. 20-A MRSA §§1305-A and 1305-B** are enacted to read:

**§1305-A. Cost center summary alternative budget format**

Notwithstanding section 1302, 1305, 1306, 1307 or 15617, after January 31, 2001, the format of the annual budget of a school administrative district may be changed only in accordance with this section and section 1305-B.

**1. Cost center summary budget format.** The school administrative district budget must consist of the following cost centers and supporting data:

**A. Expenditures:**

- (1) Prekindergarten to grade 12 instruction;
- (2) Instructional support;
- (3) Leadership;
- (4) Operations;
- (5) Transportation; and
- (6) Other commitments;

**B. Revenue sources:**

- (1) Foundation allocation;
- (2) Debt service allocation, if any; and
- (3) Additional local funds;

**C. A summary of total school administrative district expenditures; and**

**D. Other optional local data showing the amount and percentage of changes proposed in the state allocation, the local share and the total school administrative district budget and related infor-**

**mation determined appropriate by the board of directors.**

**2. Budget warrant.** The warrant articles presented to the legislative body of the school administrative district for approval of the school administrative district budget must correspond to the categories of the cost center summary budget described in subsection 1. In addition to expenditure and revenue cost center summary totals, the board of directors shall provide to voters a reasonably detailed breakdown for each major subcategory within each budget category. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter II-A defining and establishing the content of those informational subcategories.

**3. Approval of cost center summary budget format.** An article to establish the cost center summary budget format may be placed on a warrant for a referendum vote by either a majority vote of the board of directors or a written petition filed with the board of directors by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative district. The board of directors shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the board of directors. If adopted by the voters, the cost center summary budget format takes effect in the next budget year or in the following budget year if the approval occurs less than 90 days before the start of the next budget year. Once adopted by the voters, the cost center summary budget format may not be changed. In a school administrative district using the district budget meeting process provided in sections 1303 and 1304 or a budget format other than one established by the school administrative district voters under section 1306, the cost center summary budget format may be adopted and subsequently amended or repealed by majority vote of the board of directors.

**4. Budget approval.** A school administrative district's cost center summary budget must be approved at a school administrative district budget meeting as provided in sections 1303 and 1304 or by a district budget meeting and budget validation referendum as provided in section 1305-B.

**5. Transfer between budget cost center lines.** During the year for which the budget is approved using the cost center summary budget format, the board of directors may transfer an amount not exceeding 5% of the total appropriation for any cost center to another cost center or among other cost centers without voter approval.

**§1305-B. Budget validation referendum**

Notwithstanding sections 1302, 1305, 1306, 1307 and 15617, after January 31, 2001, the procedure for approval of the annual budget of a school administrative district provided under sections 1304 and 1305 may be changed only in accordance with this section and section 1305-A. The budget validation referendum process provided in this section may not be adopted for use in a school administrative district unless the cost center summary budget format provided in section 1305-A is also adopted. A school administrative district using the alternative voting procedures established in section 1305 may reconsider that use only if as part of that reconsideration the voters adopt use of the cost center summary budget format provided in section 1305-A or the cost center summary budget format and the budget validation referendum process provided in this section.

**1. Budget validation.** Following development of the annual school administrative district budget and approval at a district budget meeting as provided in section 1305-A, a referendum may be held in the school administrative district as provided in this section to allow the voters to validate or reject the total budget adopted at the district budget meeting.

**2. Approval of budget validation referendum process.** An article to establish the budget validation referendum process or the cost center summary budget format together with the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the board of directors or a written petition filed with the board of directors by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative district. The board of directors shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the board of directors. If adopted by the voters, the cost center summary budget format or the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the cost center summary budget format and the budget validation referendum process may not be changed.

**3. Validation referendum procedures.** The budget validation referendum must be held on the 3rd day, other than Saturday, Sunday or a legal holiday, following the scheduled date of the district budget meeting. The vote at referendum is for the purpose of approving or rejecting the total district budget approved at the district budget meeting. The board of directors shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the board of directors for each cost center summary budget category article, the amount ap-

proved at the district budget meeting and a summary of the total authorized expenditures.

If approved by the voters of the school administrative district, an advisory question may be added to the budget validation referendum ballot allowing voters to indicate whether they find the budget too high or too low. The issue of whether to place the advisory question on the ballot may be considered by the voters as part of the adoption of the budget validation referendum process or may be submitted to the voters separately for approval following the procedures described in subsection 2.

**4. Budget validation referendum voting.** The method of calling and voting at a budget validation referendum is as provided in sections 1352 and 1353, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

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

B. The warrant for a district budget meeting to be followed by a budget validation referendum may be a consolidated warrant covering both.

C. The warrant and absentee ballots must be delivered to the municipal clerk at least 7 days before the date of the district budget meeting.

D. Absentee ballots received by the municipal clerk may not be processed or counted unless received after the conclusion of the district budget meeting and before the close of the polls.

E. All envelopes containing absentee ballots received before the conclusion of the district budget meeting or after the close of the polls must be marked "rejected" by the municipal clerk.

F. The article to be voted on must be in one of the following forms.

(1) In school administrative districts that have not approved inclusion on the ballot of the advisory question described in subsection 3, the article must be substantially as follows.

"Shall the School Administrative District No. \_\_\_\_\_ budget for the \_\_\_\_\_ school year that was adopted at the district budget meeting on \_\_\_\_\_ be approved?"

Yes                      No"

(2) In school administrative districts that have approved the inclusion on the ballot of the advisory question described in subsec-

tion 3, the article must be substantially as follows.

"Shall the School Administrative District No. \_\_\_\_\_ budget for the \_\_\_\_\_ school year that was adopted at the district budget meeting on \_\_\_\_\_ be approved?"

Yes                      No"

The following is a nonbinding expression of opinion for the consideration of the school administrative district board of directors.

"I find the budget adopted at the district budget meeting to be:

Too high                      Too low"

**5. Failure to approve budget.** If the voters do not validate the budget approved in the district budget meeting at the budget validation referendum vote, the board of directors shall hold another district budget meeting in accordance with sections 1303 and 1304 at least 10 days after the referendum to vote on a budget approved by the board of directors. The budget approved at the district budget meeting must be submitted to the voters for validation at referendum in accordance with this section. The process must be repeated until a budget is approved at a district budget meeting and validated at referendum. If a budget is not approved and validated before July 1st of each year, section 1308 applies.

**6. Reconsideration of budget validation referendum process.** Every 3 years, school administrative districts that have accepted the budget validation referendum process shall consider continued use of the process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative district may indicate whether they wish to continue the process for another 3 years. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

**Sec. 6. 20-A MRSA §1308**, as amended by PL 1991, c. 429, §3, is further amended to read:

#### **§1308. Failure to pass budget**

If a budget for the operating of the district is not approved prior to July 1st, the latest budget as submitted by the board of directors is automatically considered the budget approved for operational expenses for the ensuing year until a final budget is approved, except that, when the school board delays

the school budget meeting in accordance with section 15617, subsection 2, paragraph C, the operating budget must be approved within 30 days of the date the commissioner notifies the school board of the amount allocated to the school unit under section 15613 or the latest budget submitted by the directors becomes the operating budget for the next school year.

**Sec. 7. 20-A MRSA §1701, sub-§7**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**7. Majority vote.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget. An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist district budget meeting moderators in explaining and implementing this subsection.

**Sec. 8. 20-A MRSA §1701, sub-§9, ¶A**, as amended by PL 1983, c. 485, §17, is further amended to read:

A. The budget format may be determined by the voters of a community school district by adoption of an appropriate warrant article at a properly called election held in accordance with the procedure set forth in section ~~45515~~ 15617, subsection 6.

**Sec. 9. 20-A MRSA §1701, sub-§11, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Unless authorized by the voters or except as provided in section 1701-A, subsection 5, the district school committee may not transfer funds between line item categories.

**Sec. 10. 20-A MRSA §1701, sub-§12**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**12. State-local allocations.** To summarize the action taken on the budget for the purposes of determining the community school district's state-local allocations, the articles prescribed in chapter ~~605~~, shall 606 must also be voted on.

**Sec. 11. 20-A MRSA §§1701-A and 1701-B** are enacted to read:

**§1701-A. Cost center summary alternative budget format**

Notwithstanding section 1701, after January 31, 2001, the format of the annual budget of a community

school district may be changed only in accordance with this section and section 1701-B.

**1. Cost center summary budget format.** The community school district budget must consist of the following cost centers and supporting data:

**A. Expenditures:**

- (1) Prekindergarten to grade 12 instruction;
- (2) Instructional support;
- (3) Leadership;
- (4) Operations;
- (5) Transportation; and
- (6) Other commitments;

**B. Revenue sources:**

- (1) Foundation allocation;
- (2) Debt service allocation, if any; and
- (3) Additional local funds;

**C. A summary of total community school district expenditures; and**

**D. Other optional local data showing the amount and percentage of changes proposed in the state allocation, the local share and the total community school district budget and related information determined appropriate by the community school district school committee.**

**2. Budget warrant.** The warrant articles presented to the legislative body of the community school district for approval of the community school district budget must correspond to the categories of the cost center summary budget described in subsection 1. In addition to expenditure and revenue cost center summary totals, the district school committee shall provide to voters a reasonably detailed breakdown for each major subcategory within each budget category. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter II-A defining and establishing the content of those informational subcategories.

**3. Approval of cost center summary budget format.** An article to establish the cost center summary budget format may be placed on a warrant for a referendum vote by either a majority vote of the district school committee or a written petition filed with the committee by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the community school district. The district school committee shall place the article on the

next scheduled warrant or an earlier one if determined appropriate by the district school committee. If adopted by the voters, the cost center summary budget format takes effect in the next budget year or in the following budget year if the approval occurs less than 90 days before the start of the next budget year. Once adopted by the voters, the cost center summary budget format may not be changed. In a community school district using a budget format other than one established by the community school district voters under section 1701, subsection 9, the cost center summary budget format may be adopted and subsequently amended or repealed by majority vote of the district school committee.

**4. Budget approval.** A community school district's cost center summary budget must be approved at a community school district budget meeting as provided in section 1701, subsection 3 or 8 or by a district budget meeting and budget validation referendum as provided in section 1701-B.

**5. Transfer between budget cost center lines.** Notwithstanding section 1701, subsection 11, paragraph B, during the year for which the budget is approved using the cost center summary budget format, the district school committee may transfer an amount not exceeding 5% of the total appropriation for any cost center to another cost center or among other cost centers without voter approval.

**§1701-B. Budget validation referendum**

After January 31, 2000, the procedure for approval of the annual budget of a community school district provided under section 1701 may be changed in accordance with this section and section 1701-A. The budget validation referendum process provided in this section may not be adopted for use in a community school district unless the cost center summary budget format provided in section 1701-A is also approved.

**1. Budget validation.** Following development of the annual community school district budget and approval at a district budget meeting as provided in section 1701-A, a referendum may be held in the community school district as provided in this section to allow the voters to validate or reject the total budget adopted at the district budget meeting.

**2. Approval of budget validation referendum process.** An article to establish the budget validation referendum process or the cost center summary budget format together with the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the district school committee or a written petition filed with the district school committee by at least 10% of the number of voters voting in the last gubernatorial election in the

municipalities in the community school district. The district school committee shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the committee. If adopted by the voters, the cost center summary budget format or the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the approval occurs less than 90 days before the start of the next budget year. Once adopted by the voters, the cost center summary budget format and the budget validation referendum process may not be changed.

**3. Validation referendum procedures.** The budget validation referendum must be held on the 3rd day, other than Saturday, Sunday or a legal holiday, following the scheduled date of the district budget meeting. The vote at referendum is for the purpose of approving or rejecting the total community school district budget approved at the district budget meeting. The district school committee shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the committee for each cost center article, the amount approved at the district budget meeting and a summary of the total authorized expenditures.

If approved by the voters of the community school district, an advisory question may be added to the budget validation referendum ballot allowing voters to indicate whether they find the budget too high or too low. The issue of whether to place the advisory question on the ballot may be considered by the voters as part of the adoption of the budget validation referendum process or may be submitted to the voters separately for approval following the procedures described in subsection 2.

**4. Budget validation referendum voting.** The method of calling and voting at a budget validation referendum is as provided in sections 1352 and 1353 for school administrative districts, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

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

B. The warrant for a district budget meeting to be followed by a budget validation referendum may be a consolidated warrant covering both.

C. The warrant and absentee ballots must be delivered to the municipal clerk at least 7 days before the date of the district budget meeting.

D. Absentee ballots received by the municipal clerk may not be processed or counted unless received after the conclusion of the district budget meeting and before the close of the polls.

E. All envelopes containing absentee ballots received before the conclusion of the district budget meeting or after the close of the polls must be marked "rejected" by the municipal clerk.

F. The article to be voted on must be in one of the following forms.

(1) In community school districts that have not approved inclusion on the ballot of the advisory question described in subsection 3, the article must be substantially as follows:

"Shall the Community School District No.     budget for the     school year that was adopted at the district budget meeting on     be approved?"

Yes                      No"

(2) In community school districts that have approved the inclusion on the ballot of the advisory question described in subsection 3, the article must be substantially as follows.

"Shall the Community School District No.     budget for the     school year that was adopted at the district budget meeting on     be approved?"

Yes                      No"

The following is a nonbinding expression of opinion for the consideration of the community school district school committee.

"I find the budget adopted at the district budget meeting to be:

Too high              Too low"

**5. Failure to approve budget.** If the voters do not validate the budget approved in the district budget meeting at the budget validation referendum vote, the district school committee shall hold another district budget meeting in accordance with section 1701, subsection 8 at least 10 days after the referendum to vote on a budget approved by the committee. The budget approved at the district budget meeting must be submitted to the voters for validation at referendum in accordance with this section. The process must be repeated until a budget is approved at a district budget meeting and validated at referendum. If a budget is not approved and validated before July 1st of each year, the latest budget submitted by the committee is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved, except that when the school committee delays the district budget meeting in accordance with



section 15617, subsection 2, paragraph C the operating budget must be approved within 30 days of the date the commissioner notifies the school committee of the amount allocated to the school unit under section 15613 or the latest budget submitted by the committee becomes the operating budget for the next school year.

**6. Reconsideration of budget validation referendum process.** Every 3 years, community school districts that have accepted the budget validation referendum process, shall consider continued use of the process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the community school district may indicate whether they wish to continue the process for another 3 years. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

**Sec. 12. 20-A MRSA §15614, sub-§§3 and 4,** as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

**3. Additional local appropriation.** A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2. An article in substantially the following form must be used when a school administrative unit is considering the appropriation of additional local funds:

"Article : To see what sum the municipality/district will raise and to appropriate the sum of (Recommend \$ ) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15614."

**4. Vote.** Actions in subsections 1 to 3 ~~shall~~ must be taken by a recorded vote.

**Sec. 13. 20-A MRSA §15618-A, sub-§1,** as enacted by PL 1989, c. 615, §1, is repealed.

**Sec. 14. 20-A MRSA §15618-A, sub-§2,** as enacted by PL 1989, c. 615, §2, is repealed.

**Sec. 15. Implementation and evaluation of State Board of Education recommendations.**

**1. State Board of Education study.** Not later than July 1, 2003, the State Board of Education shall convene a study committee to review all aspects of the implementation of the school budget format and voting procedure recommendations contained in its Report on School Governance to the Joint Standing Committee on Education and Cultural Affairs issued on January 15, 2000. The study must review and assess the impact of implementation of the recommen-

dations and determine whether additional changes are necessary, including, but not limited to, an evaluation of whether school administrative districts and community school districts need additional options to change their budget format or procedure once the recommendations of the state board are adopted. The state board shall report its findings, including any necessary implementing legislation, to the Second Regular Session of the 121st Legislature and the joint standing committee of the Legislature having jurisdiction over education matters not later than January 31, 2004.

**2. Interim monitoring and reporting by the Department of Education.** Beginning January 31, 2001 and continuing until January 31, 2003, the Department of Education shall annually report to the joint standing committee of the Legislature having jurisdiction over education matters on the experiences of school administrative districts and community school districts with the implementation of the cost center summary budget format and the budget validation referendum process. The report must include a summary of the number and types of school administrative units utilizing the new budget format and voting procedure, the types of budget formats and voting procedures used by each unit, the impact of the new budget format and procedure on budget adoption in the units, including the date of final budget adoption and frequency of repeat votes required, and concerns identified with the new format and procedure that require action before completion of the State Board of Education review provided in subsection 1.

**3. Resource assistance team.** The Department of Education and the State Board of Education, following consultation with the Maine School Management Association and the Maine Municipal Association, shall establish a resource assistance team as a source of assistance available to school administrative units with questions about adopting the new budget format and procedure or implementation of the old or new budget procedures. The resource assistance team must be in place by September 1, 2000. The experiences of the resource assistance team must be included in the department's annual report to the joint standing committee.

See title page for effective date.

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## CHAPTER 711

H.P. 1451 - L.D. 2072

### An Act to Clarify Signature Requirements on Certain Legal Documents