

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets

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

Whereas, the effort to consolidate the State's school administrative units has been an extremely frustrating and confusing process for many school and municipal officials and members of the general public who have been engaged in good faith in negotiating to reorganize school administrative units for over a year; and

Whereas, the laws governing the school administrative unit consolidation process penalize units that fail to consolidate in accordance with an extremely aggressive timetable; and

Whereas, changes to the 2007 school administrative unit consolidation laws were enacted in April 2008 that provided school administrative units with opportunities to reorganize in different ways but the alternative organizational opportunities are difficult to implement; and

Whereas, the school administrative unit consolidation laws mandate certain school budget adoption procedures that involve redundant decision making and are expensive to administer on the local level; and

Whereas, there are several elements of the school administrative unit consolidation laws that are still contradictory, ambiguous or erroneously cross-referenced; 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-C, as amended by PL 2007, c. 668, §2 and affected by §55, is further amended to read:

§ 1305-C. Mandatory budget validation and cost center summary budget form

Notwithstanding any other law, school administrative district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1485 and 1486. A school administrative district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 ~~and~~, 1486 ~~and~~ 1487.

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

3. Budget approval. AExcept as provided in section 1486-A, a regional school unit's cost center summary budget must be approved at a regional school unit budget meeting and by a budget validation referendum as provided in section 1486.

Sec. 3. 20-A MRSA §1486, sub-§2, as amended by PL 2007, c. 668, §19, is further amended to read:

2. Validation referendum procedures. The budget validation referendum must be held on or before the 14th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Saturday, Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to that must be displayed at polling places, and may be displayed within each voting booth, to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5.

Sec. 4. 20-A MRSA §1486, sub-§3, as amended by PL 2007, c. 668, §20 and c. 695, Pt. G, §§1 and 2, is repealed and the following enacted in its place:

3. Budget validation referendum voting. The method of calling and voting at a budget validation referendum is as provided in sections 1502 and 1503, 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.

C. The warrant and absentee ballots must be delivered to the municipal clerk no later than the day after the date of the regional school unit budget meeting.

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

E. All envelopes containing absentee ballots received before the day after the conclusion of the regional school unit 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 the following form:

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

Yes No"

Sec. 5. 20-A MRS §1486-A is enacted to read:

§ 1486-A. Alternative voting procedures

On the initiative of a regional school unit board, or if requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the regional school unit, the regional school unit board shall cause the following article to be voted on by the voters of the regional school unit's member municipalities in the following form:

"Shall (name of the regional school unit) require that the voting at future regional school unit budget meetings be done by simple referendum within each member municipality of the regional school unit instead of using the multi-step budget validation referendum process?"

Yes No"

1. Procedure. The procedure for voting on the article is as follows.

A. Upon the initiation by the regional school unit board or upon receipt of a request and if the request complies with the requirement of this section, the regional school unit board shall immediately notify the municipal officers within the regional school unit of the receipt of the request.

B. The municipal officers of each municipality within the regional school unit shall cause the article to be placed on the ballots for that municipality for the next statewide election occurring at least 45 days after the date on which the municipal officers received the notice.

C. The warrants, notices and voting procedures to be followed within a municipality, including absentee voting procedures, are the same as those provided in Title 21-A, except that the duties of the Secretary of State must be performed by the regional school unit board.

D. Municipal clerks shall, within 24 hours of the determination of the results of the vote in their municipalities, certify to the regional school unit board the total number of votes cast in the affirmative and in the negative on the article.

E. As soon as all of the results from all of the municipalities have been returned to the regional school unit board, the board shall meet and compute the total number of votes cast in the affirmative and in the negative on the article in all of the municipalities within the regional school unit.

F. If the regional school unit board determines that there were more votes cast in the affirmative than there were in the negative on the article, the board shall declare that the article has passed.

G. If the regional school unit board determines that the total number of votes cast on the article in the affirmative is equal to or less than those in the negative, the board shall declare that the article has not passed.

H. The regional school unit board shall enter the board's declaration and computations in the board's records and send certified copies of the board's declaration and computations to the municipal clerk of each municipality within the regional school unit.

2. Application. Following the declaration that the article has passed under subsection 1, paragraph F, the regional school unit board shall cause the voting at all future budget meetings of the regional school unit to be called within each municipality within the regional school unit after the proposed budget is approved by the board. The voting must be held in accordance with the procedures set out in sections 1501 to 1504, except that the warrant and absentee ballots for the meeting 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 the budget prior to voting. The board is responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

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 regional school unit board shall make any changes to the proposed budget considered necessary and initiate a subsequent referendum to be conducted in accordance with the referendum procedure in subsection 2, which must be held within 45 days from the date of the failed referendum. The board must continue in this manner until a school budget is finally adopted.

Sec. 6. 20-A MRSA §1701-C, as amended by PL 2007, c. 668, §26 and affected by §55, is further amended to read:

§ 1701-C. Mandatory budget validation and cost center summary budget form

Notwithstanding any other law, community school district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1485 and 1486. A community school district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and, 1486 and 1487.

Sec. 7. 20-A MRSA §15696, as amended by PL 2007, c. 668, §§39 to 41 and c. 695, Pt. A, §23, is repealed.

Sec. 8. 20-A MRSA §15697 is enacted to read:

§ 15697. Incentives for conforming school administrative units

1. Authorized adjustments. Notwithstanding any other provision of this Title, the following adjustments to the calculation of subsidy under chapter 606-B are required. Beginning July 1, 2009 for each regional school unit that has been created pursuant to chapter 103-A that is composed of 2 or more school administrative units that existed on and before July 1, 2008, and continuing for 3 fiscal years thereafter, and beginning on the July 1st representing the first operational day of any regional school unit created according to the terms of chapter 103-A but after the various deadlines for submitting, approving or implementing a reorganization plan and continuing for 3 fiscal years thereafter:

A. The regional school unit receives more favorable consideration for approval and funding for school construction pursuant to rules of the state board; and

B. The regional school unit's full-value education mill rate pursuant to section 15671-A is decreased by 2% for the purpose of calculating the regional school unit's required contribution to meet the local share of education costs established pursuant to section 15688, subsection 3-A.

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

SUMMARY

This bill makes several technical and substantive changes to the laws governing the consolidation of school administrative units enacted in 2007 and amended in 2008. The bill converts the penalty system in the current law, which establishes a financial penalty to be applied to those school systems that fail to consolidate if required to, into a financial incentive system that provides a reduced local effort requirement for those school systems that achieve the required consolidation during the first 3 years. The bill also authorizes regional school units to establish a school budget adoption system that is an alternative to the current budget validation referendum process. The alternative system, if approved by the voters of the regional school unit at referendum, would allow the budget to be approved by the voters directly at referendum rather than go through the multi-step approval process whereby the budget needs to be adopted by several local votes in succession. The bill also makes several technical amendments, including:

1. Adding a cross-reference that was inadvertently omitted in existing law so that the towns within any community school districts or school administrative districts that may exist in the future can commit their taxes in the circumstance of a prolonged failure to adopt a school budget, just as is currently available to municipal schools and regional school units; and

2. Clarifying the procedures to be followed during a school budget referendum vote regarding the display of informational material in the polling place and the voting booth.