

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 158, L.D. 188, RESOLUTION, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify When the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions."

Amend said Bill by striking out in that part designated "Section 18." in the 10th and 12th lines (8th and 9th of LD) the underlined word "forty-seventh" and inserting in place thereof the following: fiftieth'

Further amend said Bill by striking out all of that part designated "Constitution, Art. IV, Pt. 3, §19,"

Further amend said Bill in that part designated "Section 20." by striking out all of the 3rd sentence and inserting in place thereof the following:

'Written petitions for a referendum pursuant to Article IV, Part 3, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the fifth day before the petition must be filed in the office of the Secretary of State, or, if such fifth day is a Saturday, a Sunday or a legal holiday, by five o'clock, p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for an initiative pursuant to Article IV, Part 3, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the third day before the petition must be filed in the office of the Secretary of State, or, if

such third day is a legal holiday, by five o'clock, p.m., on the next day which is not a legal holiday. Such officials must complete the certification of such petitions and must return them to the circulators or their agents within two days, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them.

Further amend said Bill in that part designated "Section 20." by striking out all of the 5th sentence and inserting in place thereof the following:

'Petition forms shall be furnished or approved by the Secretary of State upon written application signed in the office of the Secretary of State by a resident of this State whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor.'

Further amend said Bill by striking out all of that part designated "Constitution, Art. IV, Pt. 3, §22," and inserting in place thereof the following:

'Constitution, Art. IV, Pt. 3, §22, is amended to read:

Section 22. Election officers and officials, how governed. Until the Legislature shall enact further regulations laws not inconsistent with the Constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing. The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions. Such laws shall include provision for judicial review of any determination, to be completed within one hundred days from the date of filing of a written petition in the office

of the Secretary of State.'

Statement of Fact

The purposes of this amendment are as follows:

1. The provision of the Resolution that a law initiated or approved by vote of the people may be amended or repealed within 5 years only by another vote of the people or by a two-thirds vote of both Houses of the Legislature is deleted;

2. The deadline of 10 days before filing of petitions with the Secretary of State, by which petitions must first be submitted to local officials for certification of signers as registered voters, is reduced to 3 days in the case of initiative petitions and to 5 days in the case of referendum petitions, because of the differing days on which the deadline might fall. There is a new requirement that local officials must complete the review and certification within 2 business days;

3. The deadline for filing initiative petitions in the Secretary of State's office, which is 45 days after convening of a special session at present, is increased to 50 days from the 47 in the original resolution;

4. The requirement that 10 voters must appear in person at the Secretary of State's office to sign an application in order to begin a petition drive is deleted. A petition drive may be initiated by a single registered voter;

5. The language of the resolution is clarified

Reported by the Committee on State Government.

Reproduced and distributed under the direction of the Clerk of the House.

5/5/75

(Filing No. H-241)