

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 235

H.P. 189

House of Representatives, January 23, 2009

### An Act To Modify the Citizen Initiative Process

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAIN of Orono.  
Cosponsored by Senator MILLS of Somerset and  
Representatives: CAREY of Lewiston, MILLER of Somerville, Speaker PINGREE of North  
Haven, PIOTTI of Unity, ROTUNDO of Lewiston, Senators: BARTLETT of Cumberland,  
President MITCHELL of Kennebec, ROSEN of Hancock.

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

2 **Sec. 1. 21-A MRSA §901, sub-§3-A,** as amended by PL 2007, c. 234, §1, is  
3 further amended to read:

4 **3-A. Review for proper form.** The Secretary of State shall review the proposed law  
5 for a direct initiative of legislation within 10 business days after receipt of the application  
6 and either reject the application or provide a first revised draft of the initiative legislation  
7 to the applicant within that time. The Secretary of State may reject the application if the  
8 Secretary of State determines that the proposed law:

- 9 A. Does not conform to the form prescribed by the Secretary of State; or  
10 B. Does not conform to the essential aspects of the drafting conventions established  
11 for the Maine Revised Statutes. The drafting conventions include but are not limited  
12 to:
- 13 (1) Correct allocation to the statutes and correct integration with existing  
14 statutes;
  - 15 (2) Bill titles and statute section headnotes that objectively reflect the content of  
16 the bill, section or sections to which they apply;
  - 17 (3) Conformity to the statutory numbering system; and
  - 18 (4) Ensuring that bills enacting statutes do not contain provisions that describe  
19 intent or make testimonial statements without creating a legal requirement or  
20 duty.

21 By consent of the applicant the proposed law may be modified to conform with the  
22 requirements of this section. The Secretary of State may request assistance from the  
23 Revisor of Statutes in reviewing the proposed law.

24 The Secretary of State shall request assistance from the Office of Fiscal and Program  
25 Review to determine whether the proposed law will have a fiscal impact. The Office of  
26 Fiscal and Program Review shall prepare an estimate of the fiscal impact of the proposed  
27 law on state revenues, appropriations and allocations. The fiscal impact estimate must  
28 summarize the aggregate impact that the proposed law will have on the General Fund, the  
29 Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to  
30 local units of government. If the Office of Fiscal and Program Review determines that  
31 the proposed law has a cost other than the cost associated with conducting a referendum  
32 on the proposed law, the applicant shall indicate in a subsequent draft of the legislation  
33 submitted to the Secretary of State how the cost of the proposed law will be funded.

34 The applicant shall submit each subsequent draft of the legislation to the Secretary of  
35 State for review following the same process. The Secretary of State shall review each  
36 subsequent draft from the applicant and provide a revised draft or written response  
37 suggesting how the proposed law may be modified to conform with the requirements of  
38 this section within 10 business days. The applicant must give written consent to the final  
39 language of the proposed law to the Secretary of State before the petition form is  
40 designed by the Secretary of State.

1           **Sec. 2. 21-A MRSA §901, sub-§4**, as amended by PL 2007, c. 234, §2, is further  
 2 amended to read:  
 3           **4. Ballot question.** The ballot question for an a direct initiative or a people's veto  
 4 referendum must be drafted by the Secretary of State in accordance with section 906 and  
 5 rules adopted in accordance with the Maine Administrative Procedure Act. The Secretary  
 6 of State shall provide the ballot question to the applicant for a people's veto referendum  
 7 within 10 business days after receipt of a properly completed application. If an a direct  
 8 initiative is filed with the Secretary of State and certified pursuant to the Constitution of  
 9 Maine, Article IV, Part Third, Section 18 as having a sufficient number of signatures and  
 10 is not enacted without change by the Legislature at the session at which it is presented,  
 11 then the Secretary of State shall propose a ballot question to be submitted for public  
 12 comment as provided in section 905-A. If a direct initiative is determined pursuant to  
 13 subsection 3-A to have a cost other than the cost associated with conducting a referendum  
 14 on the direct initiative, the Secretary of State shall include in the ballot question  
 15 information on the cost of the direct initiative and how that cost will be paid.

16           **Sec. 3. 21-A MRSA §901, sub-§8** is enacted to read:  
 17           **8. Lack of funding.** If a direct initiative is determined pursuant to subsection 3-A  
 18 to have a cost other than the cost associated with conducting a referendum on the direct  
 19 initiative and a means of paying for or accounting for the cost is not included in the  
 20 legislation, then the direct initiative may not be enacted into law until it is funded through  
 21 the normal legislative process.

22   **SUMMARY**

23           This bill requires the Secretary of State to request assistance from the Office of Fiscal  
 24 and Program Review to determine whether a direct initiative will have a fiscal impact. If  
 25 the Office of Fiscal and Program Review determines that the direct initiative has a cost  
 26 other than the cost associated with conducting a referendum on the direct initiative, the  
 27 person who submitted the direct initiative must indicate in a subsequent draft of the direct  
 28 initiative submitted to the Secretary of State how the cost of the direct initiative will be  
 29 paid. The bill also requires the Secretary of State to include in the ballot question  
 30 information on the cost of the direct initiative and how that cost will be paid. The bill  
 31 also indicates that if a means of paying for or accounting for the cost is not included in  
 32 the legislation, then the direct initiative may not be enacted into law until it is funded  
 33 through the normal legislative process.