

MAINE STATE LEGISLATURE

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Court. and I, for the 9/7
Marijuana Referendum

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 3, 1976

The Honorable Stanley Laffin
21 Fairfield Avenue
Westbrook, Maine 04092

Dear Representative Laffin:

This letter is to confirm in writing the oral advice I have given you previously regarding your proposal for a referendum on the question of decriminalization of marijuana. Briefly, my advice to you was that an effort to place a decriminalization referendum on the November ballot would not succeed because of certain provisions of the Maine Constitution.

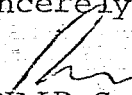
Article IV Part Third, Section 17 of the Maine Constitution specifies the procedures for subjecting legislation to referendum. Specifically it states the number of persons required to sign petitions and states that they must be filed within 90 days after recess of the legislature. Section 17 continues, however, that it would only apply to "acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section." The preceding section in this case is Article IV Part Third, Section 16 of the Maine Constitution which specifies when laws should become effective, indicating that they normally will become effective 90 days after the adjournment of the legislature except where enacted as an emergency measure in which case they shall become effective immediately. The Criminal Code with revisions to the Criminal Code adopted in this session of the legislature which were adopted as an emergency measure went into effect May 1, 1976. Thus the legislation is in effect. Because the legislation is in effect the provisions of the referendum section (Section 17) which limit its application to legislation not then in effect do not apply to the provisions of the Maine Criminal Code including provisions relating to the decriminalization of marijuana.

In order to accomplish the objectives which you seek relating to securing a popular vote on the question of decriminalization of marijuana, it will be necessary to utilize the provisions of

Article IC, Part Third, Section 18 relating to direct initiative legislation. Under this provision the signatures would be gathered, the legislation would be proposed to the next regular or special session of the legislature, and, if not enacted as proposed, would then be subject to a popular vote.

I hope this information is of assistance to you.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

DGA:jg