

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

*Elections Campaign Reports by Referendum Advocates
21 M.R.S.A. § 1713
R. Referendum & Initiative Legislative Campaign Reports*

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE

DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333

October 27, 1977

To: James Bowie, Assistant to Commission on Governmental
Ethics and Election Practices

From: Donald G. Alexander, Deputy Attorney General

Re: Interpretation of Referendum Campaign Reporting Requirements.

This responds to your request for advice on interpretation of certain provisions of 21 M.R.S.A. § 1413 (effective October 24, 1977), as enacted by P.L. 1977, c. 575, § 17.

Your first question is whether the 14-day filing period prescribed in § 1413-2-A applies only in cases of the filing of petitions to submit to referendum legislation enacted by the Legislature and the filing of petitions for the direct initiative of legislation.

We advise that the 14-day filing period specified in paragraph 2-A does apply only to reports from campaigns related to the gathering of signatures directed to the filing dates for referendum legislation - which will be 90 days after adjournment - or initiative legislation - which would be 45 days after convening of the Legislature in regular session. Paragraph 2-A requires filing of contribution and expense reports relating to such campaigns within 14 days after the deadline for submission of the signatures for the initiative and referendum legislation respectively.

Your second question is whether the provisions of paragraph 2-B and C refer not only to reports relating to campaigns on referenda called pursuant to Article IV, Part Third, Section 17, of the Constitution, but also to reports of campaigns regarding initiatives, constitutional resolves, bond issues and legislation expressly conditioned upon popular ratification.

James Bowie
Page 2
October 27, 1977

The provisions of Chapter 35-A are clearly intended to apply to all campaigns involving issues submitted to the voters for decision without regard to whether those issues are submitted by the constitutional requirements relating to referendums, initiative legislation, constitutional resolves or bond issues, or by legislative act in determining to submit a certain piece of legislation to the voters for decision.

Confusion develops because in fact there is a special provision of the Constitution which also refers to referendums, but this provision, Article IV, Part Third, Section 17, only addresses one of the five alternative means by which an issue may be submitted to the voters for decision. However, the "referendum" has become a term commonly used to apply to votes on all five of the alternative means. Accordingly, because this common term has developed, and because the provisions of Chapter 35-A were clearly intended to apply to all types of issue questions submitted to the voters for determination, it is reasonable to construe paragraphs 2-B and 2-C of § 1413 to require reporting by all committees or other groups which receive or expend funds to advocate the adoption or defeat of any issue submitted to a vote by any of the five means, where such committees and their expenditures and contributions otherwise meet the statutory filing criteria.

To avoid any future confusion on this point, however, it may be best to amend §§ B and C, or amend the definitions section, § 1412 of Title 21, to clarify the meaning and make it clear that the word "referendum," when used in paragraphs 2-B and 2-C, applies to all five methods by which issues may be submitted to the voters for determination.

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec