

MAINE STATE LEGISLATURE

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January 22, 2004

Honorable John Richardson
Honorable David Lemoine
Maine House of Representatives
2 State House Station
Augusta, Maine 04333-0002

Re: Initiated Bill Referral Issues

Dear Representatives Richardson and Lemoine:

In response to your questions regarding the timing of the referral of initiated bills to voters and the placement of a competing measure on the ballot with the initiated bills, I have enclosed a copy of Attorney General Opinion 86-8 (dated April 9, 1986). The opinion concludes that the Legislature may, by joint order, require a special election at the time of the statewide primary election in June on any measure subject to a vote of the people pursuant to Maine Const. Art. IV, Pt. 3, §18(2), even though §18(3) states that an initiated bill (unless enacted without change) is to be referred to the people at the November election. While this opinion was issued some years ago, the reasoning remains sound and there has been no contrary judicial interpretation, though of course this is simply the considered view of this Office and the courts may or may not agree.

Also enclosed is a copy of the *Opinion of the Justices*, 682 A.2d 661 (Me. 1996), concluding that a simple majority vote of the Legislature is sufficient to put a competing measure on the ballot with an initiated bill when it is first sent out for a vote of the people, and that the 90 day delay in effective date for legislation that is enacted by less than a two-thirds majority does not apply because the action of the Legislature is not an act or resolve. Because opinions of the justices are advisory in nature, they do not bind the Court or serve as judicial precedent in the same way as a decision on the merits of a litigated case. These opinions represent the views of the Justices on the legal issues and assumed facts before them.

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I hope this information is helpful. If you have further questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Steven Rowe". The signature is fluid and cursive, with a long horizontal stroke at the end.

G. Steven Rowe
Attorney General

GSR/dp