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Maine Citizen's Guide to the

Referendum Election

Tuesday, November 4, 2025

In Accordance with
the March 31, 2025 and July 2, 2025 Proclamations of the Governor

Shenna Bellows
Secretary of State

Appropriation 014 29A 069202

State of Maine
Office of the Secretary of State
Augusta, Maine 04333

Dear Fellow Citizen,

The information in this booklet is intended to help voters learn about the questions that will appear on the November 4, 2025 Referendum Election ballot. Referendum elections are an important part of public participation in Maine.

Inside this booklet, you will find:

- the referendum questions;
- the legislation each question represents;
- a summary of the intent and content of the legislation;
- an explanation of the significance of a "yes" or "no" vote;
- an estimate of the fiscal impact of each referendum question on state revenues, appropriations and allocations; and
- public comments filed in support of or in opposition to each ballot measure.

For information about how and where to vote, please contact your local Municipal Clerk or call Maine's Division of Elections at 207-624-7650. Information is also available online at www.maine.gov/sos.

The Department of the Secretary of State, the Attorney General and the Office of Fiscal and Program Review have worked together to prepare this booklet of information, and we hope you find it helpful.

Sincerely,

Shenna Bellows
Secretary of State

State of Maine
Referendum Election, November 4, 2025

Listing of Referendum Questions

Question 1: Citizen Initiative

Do you want to change Maine election laws to eliminate two days of absentee voting, prohibit requests for absentee ballots by phone or family members, end ongoing absentee voter status for seniors and people with disabilities, ban prepaid postage on absentee ballot return envelopes, limit the number of drop boxes, require voters to show certain photo ID before voting, and make other changes to our elections?

Question 2: Citizen Initiative

Do you want to allow courts to temporarily prohibit a person from having dangerous weapons if law enforcement, family, or household members show that the person poses a significant danger of causing physical injury to themselves or others?

Question 1: Citizen Initiative

Do you want to change Maine election laws to eliminate two days of absentee voting, prohibit requests for absentee ballots by phone or family members, end ongoing absentee voter status for seniors and people with disabilities, ban prepaid postage on absentee ballot return envelopes, limit the number of drop boxes, require voters to show certain photo ID before voting, and make other changes to our elections?

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

Sec. 1. 21-A MRSA §671, sub-§1, as amended by PL 2019, c. 371, §20, is further amended to read:

1. Name announced. A voter who wishes to vote must present photographic identification and state the voter's name and residence address to an election clerk, who shall announce the name in a loud, clear voice. If the voter's stated residence address is different from the residence address listed on the incoming voting list, the voter must be directed to complete an updated voter registration application before voting.

Sec. 2. 21-A MRSA §671, sub-§9 is enacted to read:

9. Challenged ballots for voters without photographic identification. The following provisions govern voters who do not present photographic identification pursuant to subsection 1.

A. If a voter does not have or is unable to present photographic identification to an election clerk, an election official shall challenge the voter's right to vote under section 673 and the voter may cast a ballot pursuant to section 673.

B. Notwithstanding section 673, for a challenged ballot to be eligible to be counted when it is cast by an individual who does not have photographic identification because the individual has a religious objection to being photographed, the individual must complete an affidavit of religious objection. An election official shall attach the affidavit to the individual's challenged ballot envelope. If the individual does not complete the affidavit at the time of casting the challenged ballot, the individual may appear before the registrar within 4 days after the date of the election and complete the affidavit.

(1) The Secretary of State shall prescribe the form of the affidavit of religious objection, which must be substantially as follows:

"Affidavit of Religious Objection

I, ……. (first and last name of individual), declare under penalty of unsworn falsification that I do not have photographic identification because I have a sincere religious objection to being photographed.

The last 4 digits of my Social Security number are:……

……..

(Signature of individual)

WHOEVER COMMITS UNSWORN FALSIFICATION COMMITS A CLASS D CRIME."

(2) Upon receiving a completed affidavit of religious objection, the registrar shall transmit the information in the affidavit to the Secretary of State. The Secretary of State shall consult the database of the Department of the Secretary of State, Bureau of Motor Vehicles to determine whether the Secretary of State issued a currently unexpired photographic identification to the individual and shall notify the registrar of the result.

(3) An affidavit of religious objection is not valid if the last 4 digits of the individual's social security number as provided on the affidavit are different from the last 4 digits of the individual's social security number in the statewide voter registration database or if the Secretary of State has issued a currently unexpired photographic identification to the individual.

C. Notwithstanding section 673 and except as provided under paragraph B, for a challenged ballot to be eligible to be counted when it is cast by an individual who does not have or is unable to present photographic identification to the election clerk, the individual who cast that ballot, within 4 days after the date of the election, must appear before the registrar and present photographic identification.

Sec. 3. 21-A MRSA §671, sub-§10 is enacted to read:

10. Provision of free nondriver identification cards for photographic identification. Notwithstanding Title 29-A, section 1410, the Secretary of State may not impose a fee for the issuance of a nondriver identification card when an individual does not have a valid Maine driver's license and will be at least 18 years of age by the next general, municipal or special election. The Secretary of State shall establish procedures through rulemaking for the issuance of nondriver identification cards pursuant to this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 4. 21-A MRSA §671, sub-§11 is enacted to read:

11. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Driver's license" means a license or permit issued by the Secretary of State under Title 29-A, chapter 11 that authorizes an individual to operate a motor

vehicle. "Driver's license" includes a driver's license, commercial driver's license, restricted license, motorcycle operator's license or learner's permit.

B. "Interim identification form" means a document issued by the Secretary of State to an applicant for a driver's license or nondriver identification card that contains all of the information otherwise found on the license or card and that an applicant may use as a form of identification until the physical license or card arrives in the mail.

C. "Nondriver identification card" means a card issued by the Secretary of State under Title 29-A, section 1410.

D. "Photographic identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(1) A Maine driver's license, Maine nondriver identification card or Maine interim identification form;

(2) A United States passport or United States passport card; or

(3) A United States military identification card, Maine National Guard identification card or United States Department of Veterans Affairs identification card.

Sec. 5. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (8) to read:

(8) Communicated with someone as prohibited by section 754-A, ~~subsection 1, paragraph B or~~ subsection 3, paragraph B or D;

Sec. 6. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (11) to read:

(11) Committed any other specified violation of this Title; ~~or~~

Sec. 7. 21-A MRSA §673, sub-§1, ¶A, as corrected by RR 2011, c. 2, §21, is amended by amending subparagraph (12) to read:

(12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable~~.~~;

Sec. 8. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (13) to read:

(13) Did not present photographic identification, as defined in section 671, subsection 11, paragraph D;

Sec. 9. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (14) to read:

(14) Submitted an absentee ballot with a signature that does not correspond with the person's registration signature; or

Sec. 10. 21-A MRSA §673, sub-§1, ¶A as corrected by RR 2011, c. 2, §21, is amended by enacting a new subparagraph (15) to read:

(15) Submitted an absentee ballot without the identification required under section 754-A, subsection 1-A.

Sec. 11. 21-A MRSA §752-B, sub-§2, as enacted by PL 2021, c. 273, §12, is amended to read:

2. Secured drop boxes authorized. A municipality may obtain and install a secured drop box that meets the requirements of this section. The secured drop box may be used by voters ~~who are authorized~~ to return absentee ballots in a secured drop box pursuant to section 754-A, subsection ~~1~~ 1-A, paragraph ~~D~~ C.

Sec. 12. 21-A MRSA §752-B, sub-§3, as enacted by PL 2021, c. 273, §12, is amended to read:

3. Location and number of secured drop boxes. The secured drop box must be located outside the ~~municipal~~ office ~~building or the building where in-person absentee voting takes place before an election~~ of the registrar, on the property on which the office of the registrar is located. If the secured drop box is positioned within or against an outside wall of the municipal office building, it must be bolted or otherwise securely fastened to the wall or to the deck or landing to prevent its removal by an unauthorized person. Otherwise, the secured drop box must be securely affixed to a post that is sunk into the ground, affixed to a post that is set into a concrete pad or bolted or otherwise securely affixed to a platform or other structure in a manner that prevents removal of the drop box by an unauthorized person.

A municipality may ~~seek approval from the Secretary of State to obtain and install an additional secured drop box or boxes at other locations within the municipality by certifying to the Secretary of State at least 90 days before the election that the additional secured drop box or boxes meet all of the requirements of this section, other than the requirement that the secured drop box be located outside of the municipal office building or the building where in-person absentee voting takes place before an election~~ have only one secured drop box.

Sec. 13. 21-A MRSA §752-B, sub-§7, as enacted by PL 2021, c. 273, §12, is amended to read:

7. Use and access during absentee voting period. The secured drop box must be used only for the return of absentee ballots and not for the deposit of other municipal office filings during the absentee voting period. During the absentee voting period, only the ~~municipal clerk or designees~~ bipartisan team of election officials under subsection 8 may possess the key to the secured drop box or have access to the contents of the secured collection box. If items other than returned absentee ballots are deposited in the secured drop box during the absentee voting period, the ~~municipal clerk or designees~~ bipartisan team of election officials shall deliver those items to the appropriate municipal official.

Sec. 14. 21-A MRSA §752-B, sub-§8, as enacted by PL 2021, c. 273, §12, is amended to read:

8. Periodic retrieval of ballots. During the absentee voting period, ~~the municipal clerk or a team of 2 people designated by the clerk~~ a bipartisan team of election officials shall periodically remove absentee ballots from each secured drop box and deliver the absentee ballots to the clerk's office to be stored in a secure manner. At a minimum, absentee ballots must be removed from each secured drop box by the ~~clerk or team of 2 designees~~ bipartisan team of election officials:

A. At least once on each day that the clerk's office is open during the absentee voting period;

B. At all additional times necessary to ensure that additional absentee ballots deposited in the secured drop box fit within the secured collection box and are not accessible to unauthorized persons; and

C. At 8 p.m. on election day.

The identity of the persons who remove the absentee ballots from each secured drop box and the date and time that the absentee ballots are removed must be recorded on a form designed by the Secretary of State and initialed or signed by the ~~clerk or team of 2 designees~~ bipartisan team of election officials who removed the absentee ballots.

Sec. 15. 21-A MRSA §752-B, sub-§9, as enacted by PL 2021, c. 273, §12, is amended to read:

9. Locking of secured drop boxes when polls close. The ~~municipal clerk or team of 2 designees~~ bipartisan team of election officials under subsection 8 shall lock the secured drop box at 8 p.m. on election day to prevent the deposit of additional absentee ballots in the secured drop box.

Sec. 16. 21-A MRSA §753-A, sub-§3, as amended by PL 2021, c. 273, §13, is repealed and the following enacted in its place:

3. Request for absentee ballot. Except as otherwise provided in chapter 3, subchapters 2 and 3 and in section 780, a voter desiring an absentee ballot for an election shall deliver a written application for that ballot, either in person or by mail, to the registrar of the municipality in which the voter's voting residence is located.

A. Except as otherwise permitted under section 780, the application must be on a form prescribed by the Secretary of State and must contain all of the following:

(1) The voter's name;

(2) The voter's signature;

(3) The address at which the voter is registered to vote;

(4) The voter's date of birth;

(5) One of the following:

(a) The voter's Maine driver's license or nondriver identification card number; or

(b) A copy of the voter's photographic identification as defined in section 671, subsection 11, paragraph D;

(6) A statement identifying the election for which an absentee ballot is requested;

(7) A statement that the person requesting the absentee ballot is a voter;

(8) If the request is for an absentee ballot for a primary election, the voter's party affiliation; and

(9) If the voter desires an absentee ballot to be mailed to the voter, the address to which that absentee ballot must be mailed.

B. If the voter needs assistance pursuant to subsection 5, the following information, in addition to the information required in paragraph A, must be provided in order for the application or written request to be accepted by the clerk:

(1) The printed name and signature of the person who helped the voter; and

(2) A statement that the aide helped the voter by either reading or signing the application, or both.

C. If the voter wishes to have the ballot delivered or returned by a 3rd person, the following information, in addition to the information required in paragraph A, must be provided in order for the application or written request to be accepted by the clerk:

(1) The name of the 3rd person whom the voter has designated. A 3rd person may only be designated in an application or written request that is signed by the voter.

D. Notwithstanding paragraph A, if a voter is certified by the Secretary of State as a program participant in the Address Confidentiality Program, as described in Title 5, section 90-B and Title 21-A, section 753-C, that voter

may provide the voter's program participant designated address instead of the address at which the voter is registered to vote.

E. An application to receive an absentee ballot must be delivered to the registrar not earlier than the first day of January of the year of the election for which the absentee ballot is requested or not earlier than 90 days before the day of the election at which the absentee ballot is to be cast, whichever is earlier, and not later than the close of business on the 7th day before the day of the election at which the absentee ballot is to be cast.

F. The Secretary of State shall adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are major substantive rules under Title 5, chapter 375, subchapter 2A.

Sec. 17. 21-A MRSA §753-A, sub-§4, as amended by PL 2003, c. 447, §29, is repealed.

Sec. 18. 21-A MRSA §753-A, sub-§6, as amended by PL 2021, c. 273, §14, is further amended to read:

6. Application by electronic means. A municipal clerk shall accept absentee ballot applications by the electronic means authorized by the Secretary of State. The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by electronic means, and the form must require all of the information required under subsection 3.

A voter may make an application for the voter's own ballot by electronic means using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An electronic application must be accepted by the clerk if it contains ~~the voter's name, the voter's date of birth, the voter's residence address or other address sufficient to identify the voter and, if applicable, a different address to which the applicant requests the ballot be sent or delivered~~ all of the information required under subsection 3. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address ~~and~~, date of birth and identification information provided under subsection 3, paragraph A, subparagraph (5) with the information in the voter's record. The clerk shall print the electronically submitted application and write "electronic request" on the application.

Sec. 19. 21-A MRSA §753-A, sub-§8, as amended by PL 2023, c. 304, Pt. A, §24 and affected by §§37 and 39 and amended by c. 404, §1 and affected by §2, is repealed.

Sec. 20. 21-A MRSA §753-B, sub-§1, as amended by PL 2021, c. 398, Pt. UUUU, §5 and affected by PL 2023, c. 304, Pt. A, §37, is repealed and the following enacted in its place:

1. Issuance of absentee ballots. If a clerk receives an application for an absentee ballot that does not contain all of the required information or is not submitted on an appropriate form, the clerk promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application, direct the applicant to use an appropriate form, or both, as applicable.

A. Upon receipt by the clerk of an application for an absentee ballot that contains all of the required information and is submitted on an appropriate form, as provided by section 753-A, the clerk, if the clerk finds that the applicant is a voter, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail or regular mail, an absentee ballot. The clerk shall deliver or mail with the absentee ballot an unsealed identification envelope upon the face of which must be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I, ……. (Name of voter), declare under penalty of unsworn falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.

My voting residence in Maine is

……

(Street and Number, if any, or Rural Route and Number)

of …….. (City, Town, or Township), Maine.

If I have a confidential voter registration record, I am providing my program participant designated address instead of my residence address: ……

The primary election ballots, if any, within this envelope are primary election ballots of the ……. Party.

Ballots contained within this envelope are to be voted at the …… (general, special, or primary) election to be held on the ……. day of ……, …….

My date of birth is ……. (Month and Day), ……. (Year).

(Voter must provide one of the following:)

My Maine driver's license or nondriver identification card number is …… (Driver's license or nondriver identification card number).

……. In lieu of providing a driver's license or nondriver identification card number, I am enclosing a copy of my photographic identification in the return envelope in which this identification envelope will be mailed.

I hereby declare, under penalty of unsworn falsification, that the statements above are true, as I verily believe.

……..

(Signature of Voter)

WHOEVER COMMITS UNSWORN FALSIFICATION COMMITS A CLASS D CRIME."

B. The clerk shall mail with the absentee ballot and the unsealed identification envelope an unsealed return envelope upon the face of which must be printed the address of the clerk. In the upper left corner on the face of the return envelope, several blank lines must be printed upon which the voter may write the voter's name and return address. The return envelope must be of such size that the identification envelope can be placed within it for returning the identification envelope to the clerk.

A public office, or public official or employee who is acting in an official capacity, may not prepay the return postage for an absentee ballot.

Except as otherwise provided in this subsection and in section 672, an election official may not fill out any portion of an identification envelope statement of a voter or an absentee ballot on behalf of a voter. A clerk may preprint only a voter's name and address on an identification envelope statement of a voter before mailing an absentee ballot to a voter, except that if the voter is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B, the clerk may not preprint the voter's address on the identification envelope statement of the voter.

The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 21. 21-A MRSA §754-A, sub-§1, as amended by PL 2019, c. 371, §36, is repealed.

Sec. 22. 21-A MRSA §754-A, sub-§1-A is enacted to read:

1-A. Ballot delivered to voter. The following provisions govern the receipt and return of an absentee ballot.

A. When a voter receives an absentee ballot pursuant to the voter's application or request, the voter shall, before placing any marks on the ballot, note whether there are any voting marks on it. If there are any voting marks, the ballot must be returned immediately to the clerk; otherwise, the voter shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsement and facsimile signature of the registrar on the back of it are visible, and placed and sealed within the identification envelope received from the clerk for that purpose. Then, the voter shall cause the statement of the voter on the outside of the identification envelope to be completed and signed, under penalty of unsworn falsification, as provided in Title 17-A, section 453. The voter shall provide one of the following:

(1) The voter's Maine driver's license or nondriver identification card number on the statement of the voter on the identification envelope; or

(2) A copy of the voter's photographic identification as defined in section 671, subsection 11, paragraph D in the return envelope with the identification envelope.

B. The voter may mail the identification envelope to the clerk in the return envelope, the voter may personally deliver it to the clerk or an immediate family member may personally deliver it to the clerk. The return envelope must be returned by no other person, in no other manner, and to no other location, except as otherwise provided in subsection 3, paragraph F.

C. If the clerk maintains multiple offices in the municipality, the clerk may designate any of its offices for the return of absentee ballots under this subsection, as long as the clerk designates only one office to which absentee ballots must be returned under this section. The clerk may place not more than one secured drop box outside the office of the clerk, on the property on which the office of the clerk is located, for the purpose of receiving absentee ballots under this section. For purposes of this paragraph, "secured drop box" has the same meaning as in section 752-B, subsection 1, paragraph B.

Sec. 23. 21-A MRSA §754-A, sub-§2, as amended by PL 1999, c. 645, §7, is repealed.

Sec. 24. 21-A MRSA §754-A, sub-§2-A is enacted to read:

2-A. Timely delivery of absentee ballots. All envelopes containing marked absentee ballots must be delivered to the clerk not later than the close of the polls on the day of an election. As provided in section 755, an absentee ballot must be delivered to the clerk at any time before the polls are closed in order for the absentee ballot to be valid.

A. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules under Title 5, chapter 375, subchapter 2-A.

Sec. 25. 21-A MRSA §754-A, sub-§3, as amended by PL 1999, c. 645, §7, is further amended to read:

3. Assistance in reading or marking ballot. A voter who is unable to read or mark the ballot because of the voter's physical disability, illiteracy or religious faith must vote according to the procedures in this subsection instead of the procedures in subsection ~~1~~ 1-A ~~or 2~~.

A. A voter who needs assistance may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading or marking the ballot.

B. The voter or the aide must mark the ballot in the presence of one of the following witnesses: Notary public, clerk of a municipality, clerk of courts or another individual.

C. The voter or the aide, before marking the ballot, must show it to the witness who must examine it to be certain it is unmarked.

D. While the voter or the aide is marking the ballot, there may be no communication between the voter and any individual, other than the aide who must mark the ballot as the voter indicates, as to the person or question for which the voter is to vote.

E. The voter or the aide must mark the ballot according to section 691 or 692 so that it is impossible for anyone else present to see how the voter voted, then seal the ballot in its return envelope. The voter, or the aide at the voter's request, shall complete and sign the affidavit in the presence of the witness, who shall sign the witness certification. The aide must complete and sign the certification for aides on the outside of the envelope.

F. The voter or the aide must then complete the address on the envelope and mail or deliver it personally or by the 3rd person who was designated in the application to the clerk of the municipality of which the voter is a resident. The voter must send a completed voter registration or absentee ballot application, if necessary, in a separate envelope.

Sec. 26. 21-A MRSA §756-A, sub-§4, as enacted by PL 2021, c. 273, §23, is amended to read:

4. Aide or witness certification incomplete. If an aide-executed affidavit or aide or witness certification on a return envelope that is required under section 754-A, ~~subsection 1, paragraph C, subsection 2, paragraph C or~~ subsection 3, paragraph E is unsigned, incomplete or improperly completed, the following procedures apply.

A. The voter may contact the voter's aide or witness and request that the aide or witness cure the defect by appearing in person at the clerk's office and properly completing the affidavit or witness certification. If the aide or witness corrects the affidavit or witness certification as provided in this paragraph before the deadline for returning absentee ballots under section 755, the clerk shall accept the absentee ballot without challenge.

B. The voter may cure the defect by telephone by self-identifying by name, date of birth and residence address, confirming that the voter requested an absentee ballot and explaining whether a 3rd person other than the voter's immediate family member delivered or returned the absentee ballot or whether the voter received the assistance of an aide as described in section 754-A, subsection 3 in reading, marking or placing the ballot in the return envelope. If the voter provides the information required by this paragraph, by telephone, before the deadline for returning absentee ballots under section 755, the clerk shall accept the ballot but challenge it pursuant to section 673, subsection 1.

C. If the voter does not cure the defect under the procedures in paragraph A or B before the deadline for returning absentee ballots under section 755, the clerk shall reject the ballot in accordance with section 759, subsection 3.

Sec. 27. 21-A MRSA §759, sub-§2, as amended by PL 2021, c. 273, §24, is further amended to read:

2. Accepted if correct. If the warden finds that the affidavit and the aide and witness certification, if required, are properly completed, that the clerk has verified that the signature on the envelope matches the signature on the application or that the voter confirmed that the voter personally signed the return envelope pursuant to section 756-A, subsection 2 when applicable, that the voter is registered and enrolled when necessary and that it contains the voter's Maine driver's license or nondriver identification card number or a copy of the voter's photographic identification, the warden shall then examine the incoming voting list to determine whether the voter voted in person at the election. The warden shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists and place a check mark or horizontal line in red ink on the list beside the voter's name, the warden shall accept the ballot.

Sec. 28. Effective date. This Act takes effect January 1, 2026.

SUMMARY

This initiated bill requires the presentation of photographic identification for in-person and absentee voting. Acceptable forms of photographic identification include an unexpired Maine driver's license, nondriver identification card, interim identification form issued by the Secretary of State, United States passport or United States passport card, United States military identification card, Maine National Guard identification card and United States Department of Veterans Affairs identification card. The bill directs the Secretary of State to provide free nondriver identification cards for photographic identification. The bill allows voters without photographic identification to complete a challenged ballot and within 4 days after the date of the election appear before the registrar of voters and present photographic identification. The bill also provides an exception for voters with religious objections to being photographed. The bill removes provisions of law that allow voters to make telephone applications for absentee ballots and that allow voters to automatically receive absentee ballots for each election without submitting a separate request for each election. It also provides that a municipality may have only one secured drop box for the return of absentee ballots.

Intent and Content
Prepared by the Office of the Attorney General
Question 1: Citizen Initiative

This citizen-initiated bill is intended to require voters to show one of several permitted forms of government-issued photographic identification when voting in person and to change absentee voting procedures to impose new requirements and restrictions.

The proposed law, if approved, would make the following substantive changes to Maine's voting laws:

In-person identification requirement. The proposed law would require a voter checking in at the voting place on election day to present one of several types of photo identification. Specifically, a voter would need to show a Maine driver's license, nondriver identification card, or interim identification card, a U.S. passport or passport card, or one of three types of military identification. A voter unable to show proper identification would be allowed to cast a ballot, but the ballot would not be counted unless the voter presents the required identification documents to their municipal registrar within four days of the election or submits an affidavit of religious objection.

No-cost identification cards. The proposed law would require the Secretary of State to issue no-cost nondriver identification cards to eligible voters who lack driver's licenses.

New ballot challenge provisions. The proposed law would allow voters in the same municipality to challenge a voter's in-person or absentee ballot for alleged failure to comply with identification requirements or for an alleged non-matching signature on their absentee ballot envelope.

Drop box restrictions. The proposed law would change requirements for absentee drop boxes in several ways:

- It would require drop boxes to be located outside the office of the municipal registrar and on the same property. Current law allows drop boxes to be located outside the municipal office building or the building where in-person absentee voting takes place.

- It would limit municipalities to a single drop box, eliminating the ability of municipalities to request permission from the Secretary of State to install additional drop boxes.

- It would require drop boxes to be maintained and serviced by bipartisan teams of election officials. Current law allows drop boxes to be maintained by the municipal clerk or a team of two of the clerk's designees.

Revised absentee ballot application. The proposed law would require voters completing a request for an absentee ballot to provide additional information on the application, including their Maine driver's license or nondriver identification card number or a photocopy of another form of permissible identification. The new requirements would apply to both paper and online requests. The municipal clerk would have to notify the applicant if their application is missing required information or is not on an appropriate form and cannot process the application unless any such defects are corrected.

Restrictions on family members. The proposed law would repeal the law allowing for a voter's immediate family member to request an absentee ballot on behalf of the voter. The proposed law would also repeal the law allowing an immediate family member to return a voter's absentee ballot by mail. An immediate family member could still personally deliver a voter's absentee ballot to the clerk.

New deadlines for requesting absentee ballots. The proposed law would require an application for an absentee ballot to be delivered to the municipal registrar no later than the close of business on the seventh day before the election. The proposed law would also require an application to be submitted no earlier than the first of the year in which the applicable election occurs or 90 days before the election, whichever is earlier. Existing law has no deadlines for submitting absentee ballot applications but bars issuance of absentee ballots after the third business day before election day unless the voter has certain special circumstances

Telephone requests prohibited. The proposed law would repeal the law allowing voters to request absentee ballots by telephone.

Ongoing absentee voter program ended. Current law allows voters who are seniors or people with disabilities to request ongoing absentee voter status. Voters with this status are automatically mailed absentee ballots without having to file a separate application for each election. The program is scheduled to expand on December 31, 2025, to all voters who ask to participate. The proposed law would end the program.

New absentee ballot identification envelope. The proposed law would require voters returning absentee ballots to seal them in an "identification envelope" that would be issued along with the ballot and the return envelope. The voter would have to complete a form printed on the outside of the identification envelope under penalty of unsworn falsification. Information required by the form would include the voter's driver's license or nondriver identification card number or a photocopy of permitted photo identification, and identification of the election in which the ballot is being cast. Election officials would be forbidden from pre-printing any responses on

the form, except that a municipal clerk could, in most cases, preprint the voter's name and address.

Prepayment of postage banned. The proposed law would ban election officials from prepaying return postage for an absentee ballot.

Third-person rules repealed. The proposed law repeals procedures governing voting when a ballot is delivered or returned by a third person.

New rulemaking authority. The proposed law grants the Secretary of State authority to adopt rules regulating issuance of no-cost identification cards, and the requesting, issuing, and delivering of absentee ballots.

A "YES" vote is to enact the initiated legislation.

A "NO" vote opposes the initiated legislation.

Fiscal Impact Statement
Prepared by the Office of Fiscal and Program Review

This citizen initiative requires the presentation of photographic identification for in-person and absentee voting and specifies the various forms of photographic identification that are acceptable. The requirement that the Secretary of State provide free nondriver photographic identification cards will eliminate Highway fund revenue by an estimated $29,149 annually from the nondriver ID cards currently being sold for $5 each. The Secretary of State has indicated that the increased demand for free cards will require a General Fund appropriation of $635,000 and a Highway Fund allocation of $676,332 in fiscal year 2025-26 for a total of $1,311,332 to implement a voter photographic identification process. Costs include $600,000 for a TV and media campaign to inform the public, $206,096 for the production of cards, $35,000 for envelopes and shipping, $217,415 for technology, $61,829 for postage and $46,378 for office furniture, utilities and miscellaneous office costs. Two customer service representatives are estimated to cost $144,614 annually. The ongoing costs after the first year are projected to be $156,112 annually.

Public Comments

Public Comment in Support of Question 1

Comment submitted by:
Alex Titcomb
Voter ID for ME BQC
PO Box 31
Richmond, ME 04357

Every Mainer deserves strong, secure, and trustworthy elections. The YES on 1 Voter ID citizens' initiative delivers that security by requiring photo identification for both in-person voting and absentee voting, treating every ballot by the same fair standard.

Importantly, absentee voting remains FULLY available. Every registered Maine voter may still vote absentee, for any reason, just as they can now, by requesting a ballot in-person, online, or via mail in request form. The process remains open and accessible to seniors, people with disabilities, students, working families, service members, and ALL others who choose to vote from home. Yes on 1 implements a popular common-sense safeguard: voters will be required to show ID when voting, whether in person or by absentee ballot.

Showing ID is a simple and common-sense requirement Mainers already have in our daily life, whether cashing a check, boarding a plane, or picking up a package. Voting, our most important civic duty, should be held to that same standard of security. To guarantee full access to all, Yes on 1 also requires the State to provide a FREE photo ID to any voter who needs one.

By applying the same rules to both in-person and absentee voting, Yes on 1 strengthens election integrity, protects every legitimate ballot, and ensures confidence in Maine's democratic process. It preserves convenience while closing loopholes, giving voters the peace of mind that their voice will be heard and their vote will count.

This November, let's make Maine's elections stronger, fairer, and more secure. Vote YES on 1 and make Maine the 37th state with Voter ID.

To learn more, visit VoterIDforME.com.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public Comments in Opposition of Question 1

Comment submitted by:
Anna Kellar
League of Women Voters
PO Box 18187
Portland, ME 04112

Voting rights are under attack in Maine.

Question 1 will make it harder for people across the state to vote – especially older Mainers, Mainers with disabilities and Mainers who live in rural areas or who work long, unpredictable hours at their job.

The ballot question takes away local control and undermines the state's successful absentee voting process. Absentee balloting is widely used in Maine, with 45% of all ballots cast absentee in November 2024.

Rigorous research shows that the changes proposed by Question 1 would dismantle absentee voting that nearly half of Mainers know and rely on.

Every registered voter in Maine – regardless of whether they are a Republican, Independent or Democrat – deserves the right to have their voice heard through the state's safe and secure election process.

The president of the Maine Town and City Clerks Association, the people who oversee the state's elections, said that Question 1 isn't needed.

"It will hurt those that normally vote through absentee ballots, especially those that are homebound or have limited or unreliable transportation," Dwayne Young said.

Question 1 is wrong for Maine. Elections here are already safe and secure. This ballot question makes it harder for registered voters to participate in elections and ties the hands of town clerks.

Vote "no" on Question 1 and save absentee voting in Maine.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public Comments in Opposition of Question 1

Comment submitted by:
Kim Moody, Executive Director
Disability Rights Maine
160 Capital Street, Suite 4
Augusta, ME 04330

This November, Disability Rights Maine urges Mainers to vote **NO** on Question 1. Every Mainer, regardless of political party, age, or where they live, has the right to vote. This ballot measure is a direct attack on that right, and it will adversely impact people with disabilities, older Mainers, rural voters and voters without transportation.

Attacking absentee voting is unnecessary, harmful, and undermines our state's long-standing tradition of secure and accessible elections. Nearly half of Mainers used absentee voting in the last election. For many, it is not just convenient, it is essential for their participation in Maine's elections.

If this initiative passes, disabled Mainers who rely upon absentee voting, will lose it. The window for early absentee voting will shrink by two days. It would prevent voters from calling their town clerk to request a ballot. Secure ballot drop boxes will be limited to one in each town, making it harder for rural voters and people with mobility challenges to return their ballots. It will stop towns from including return postage, even if taxpayers vote to fund it.

To put it simply, this measure dismantles a system that has long ensured that disabled voters voices are heard.

Mainers are proud of our high voter turnout and secure elections. We should be working to protect and expand voting access, not weaken it. By voting **NO** on Question 1, you are defending the right of every Mainer to participate fully in our democracy.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Question 2: Citizen Initiative

Do you want to allow courts to temporarily prohibit a person from having dangerous weapons if law enforcement, family, or household members show that the person poses a significant danger of causing physical injury to themselves or others?

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

Sec. 1. 15 MRSA §393, sub-§1, ¶E-3 is enacted to read:

E-3. Is currently the subject of an extreme risk protection order issued pursuant to Title 25, section 2244 or an emergency extreme risk protection order issued pursuant to Title 25, section 2245, except that the prohibition applies to possession and control, not ownership. Violation of this paragraph is a Class D crime;

Sec. 2. 15 MRSA §1023, sub-§4, ¶B-2 is enacted to read:

B-2. Set preconviction bail for a defendant alleged to have committed a violation of section 393, subsection 1, paragraph E-3;

Sec. 3. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2023, c. 465, §1, is further amended by amending subparagraph (24) to read:

(24) A Class D or Class E crime committed while released on pre-conviction or post-conviction bail; ~~or~~

Sec. 4. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2023, c. 465, §1, is further amended by amending subparagraph (25) to read:

(25) A violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A; ~~and~~ or

Sec. 5. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2023, c. 465, §1, is further amended by enacting a new subparagraph (26) to read:

(26) A violation of an extreme risk protection order issued pursuant to Title 25, section 2244, subsection 3 or an emergency extreme risk protection order pursuant to Title 25, section 2245, subsection 2; and

Sec. 6. 25 MRSA c. 261 is enacted to read:

CHAPTER 261

EXTREME RISK PROTECTION ORDER ACT

§2241. Short title

This chapter may be known and cited as "the Extreme Risk Protection Order Act."

§2242. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Court. "Court" means a District Court in this State.

2. Dangerous weapon. "Dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph C, including a firearm as defined in Title 17-A, section 2, subsection 12-A.

3. Extreme risk protection order. "Extreme risk protection order" means a written order issued pursuant to this chapter that prohibits and enjoins an individual from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon.

4. Family or household member. "Family or household member" means a spouse or domestic partner of the respondent, a former spouse or former domestic partner of the respondent, an individual presently or formerly living with the respondent as a spouse of the respondent, a parent of a child of the respondent, an adult sibling of the respondent, an adult child of the respondent, a parent of the respondent or an adult presently living with the respondent.

5. Law enforcement agency. "Law enforcement agency" means a state, county, tribal, municipal or University of Maine System law enforcement agency. "Law enforcement agency" does not include a federal law enforcement agency.

6. Law enforcement officer. "Law enforcement officer" has the same meaning as in section 2801-A, subsection 5. "Law enforcement officer" does not include a federal law enforcement officer.

7. Petition. "Petition" means a petition for an extreme risk protection order filed pursuant to this chapter.

8. Petitioner. "Petitioner" means a family or household member, a law enforcement agency or a law enforcement officer who files a petition for an extreme risk protection order pursuant to this chapter.

9. Respondent. "Respondent" means an individual named in a petition for an extreme risk protection order filed pursuant to this chapter whose purchase, possession, receipt, custody or control of a dangerous weapon the petitioner seeks to restrain.

§2243. Jurisdiction and venue

1. Jurisdiction. The court has jurisdiction over proceedings under this chapter.

2. Venue. A proceeding under this chapter must be commenced in the judicial division where the respondent resides or where events that give rise to the petition occurred. If a District Court Judge is not available in the division in which a petition is to be filed requesting an extreme risk protection order under section 2244 or an emergency extreme risk protection order under section 2245, the petition and any accompanying motion may be presented to any other District Court Judge or to any Superior Court Justice who has the same authority as a District Court Judge to grant or deny the order.

§2244. Extreme risk protection orders

1. Petition. A family or household member, a law enforcement agency or a law enforcement officer may file a petition requesting that the court issue an extreme risk protection order in accordance with this subsection.

A. A petition filed pursuant to this subsection must allege that the respondent poses a significant danger of causing physical injury to the respondent or another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

B. A significant danger of causing physical injury to another person may be shown by establishing that:

(1) The respondent has inflicted or attempted to inflict physical injury on another person;

(2) By the respondent's threats or actions, the respondent has placed another person in reasonable fear of physical injury; or

(3) By the respondent's actions or inactions, the respondent has presented a danger to another person in the respondent's care.

The court may consider any additional information the court finds to be reliable, including a statement by the respondent, or relevant information from family or household members concerning the respondent, and any other facts that the court finds to be relevant.

C. A significant danger of causing physical injury to the respondent may be shown by establishing that the respondent has threatened or attempted suicide or has threatened or attempted serious bodily injury.

D. The petition must be supported by an affidavit or affidavits that:

(1) State the specific facts establishing that the requirements in paragraph B or C have been met;

(2) State whether the petitioner knows of any dangerous weapons in the respondent's possession, custody or control and the identity and location of any such weapons, if known;

(3) State whether the petitioner knows of an existing order issued with respect to the respondent under Title 5, section 4655 or Title 19-A, chapter 103 or a similar order issued by a court of competent jurisdiction in the United States or another state, territory, commonwealth or federally recognized Indian tribe; and

(4) Acknowledge that the petitioner is aware that it is a crime to make a false statement under oath in a court document.

E. The court shall provide forms to a petitioner filing a petition or any other necessary documents. The court may not provide assistance in filling out any such forms or in drafting legal documents or provide legal advice to a petitioner. The forms provided by the court under this paragraph must be uniform throughout the State and must include a summons and an affidavit for an extreme risk protection order. The summons must include a section on which the petitioner may list the places where the respondent may be located or may be available to be served.

F. A filing fee may not be required for a petition filed pursuant to this subsection.

2. Hearing. Except as provided in section 2245 with respect to an emergency extreme risk protection order, the court may grant relief only after notice to the respondent and an opportunity for a hearing. The petitioner has the burden of proving by a preponderance of the evidence that the respondent poses a significant danger of causing physical injury to the respondent or another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

A. The court shall hold a hearing within 14 days after a petition is filed pursuant to this section. Notice of the hearing must be served pursuant to section 2247 concurrently with the petition and any ex parte order issued pursuant to section 2245. This section does not limit the court's discretion to continue the hearing upon the court's own motion or upon motion of either party.

B. The respondent has the right to be represented by counsel at a hearing. The court may, in its discretion, appoint counsel for an indigent party. The State is responsible for the cost of appointed counsel.

3. Orders. The court shall grant a petition and issue an extreme risk protection order if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

A. The court shall issue an order under this subsection prohibiting the respondent from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon for a period of up to one year. The order must be signed in writing and include the following:

(1) A statement of the grounds for the issuance of the order;

(2) The name and address of the court where any filings must be made, the names of the parties, the date of the petition, the date and time of the order and the date and time the order expires;

(3) A description of how to appeal the order pursuant to section 2251;

(4) A description of the requirements for relinquishment and return of a dangerous weapon under section 2250;

(5) A description of how to request termination of the order under section 2246, including a form for a motion to terminate the order; and

(6) A statement in substantially the following form:

"To the subject of this extreme risk protection order: This order is in effect until the date and time stated above. If you have not done so already, you are required to surrender all dangerous weapons in your possession, control or custody as directed in this order. While this order is in effect, you are not allowed to purchase, possess or receive a dangerous weapon; attempt to purchase, possess or receive a dangerous weapon; or have or attempt to have custody or control of a dangerous weapon. You have the right to request one hearing to terminate this order during the period that this order is in effect, starting from the date of this order. You may seek the advice of an attorney regarding any matter connected with this order."

B. The court shall make either written findings of fact or oral findings of fact on the record. If a court denies a petition filed pursuant to this subsection, the court shall state the reason for the denial.

C. An order issued pursuant to this section must include the following statement: "VIOLATION OF THIS ORDER IS A CRIME AS PROVIDED BY THE MAINE REVISED STATUTES, TITLE 15, SECTION 393, AND MAY ALSO RESULT IN SANCTIONS FOR CONTEMPT PURSUANT TO THE MAINE RULES OF CIVIL PROCEDURE, RULE 66."

§2245. Emergency extreme risk protection orders

1. Petition. In filing a petition under this chapter, a petitioner may request that the court issue an emergency extreme risk protection order. An emergency extreme risk protection order may be issued ex parte, without prior notice to the respondent.

A. A petitioner seeking an emergency ex parte order shall indicate in the petition and affidavit or affidavits that emergency relief is requested because the respondent poses an immediate and significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. An affidavit must include specific facts supporting the statement that the respondent poses an immediate and significant danger.

B. A significant danger of causing physical injury to another person may be shown by establishing that:

(1) The respondent has inflicted or attempted to inflict physical injury on another person;

(2) By the respondent's threats or actions, the respondent has placed another person in reasonable fear of physical injury; or

(3) By the respondent's actions or inactions, the respondent has presented a danger to another person in the respondent's care.

The court may consider any additional information the court finds to be reliable, including a statement by the respondent, or relevant information from family or household members concerning the respondent, and any other facts that the court finds to be relevant.

C. A significant danger of causing physical injury to the respondent may be shown by establishing that the respondent has threatened or attempted suicide or has threatened or attempted serious bodily injury.

D. The court may issue an emergency extreme risk protection order if the petition and affidavit or affidavits present good cause that the respondent poses an immediate and significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

E. The court shall decide whether to grant or deny the petition and issue the order on the basis of the contents of the petition and the affidavit or affidavits provided. If the petition is granted, the court shall immediately sign the original order, enter on its face the exact date and time it is issued and transmit a copy to the petitioner by reliable

electronic means, such as e-mail. Upon issuance of an order, a copy must be served on the respondent pursuant to section 2247.

F. The court may issue an emergency extreme risk protection order by reliable electronic means pursuant to this subsection if requested by the petitioner.

2. Order. An order issued pursuant to this section may prohibit for a period of up to 14 days the respondent from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon. This section does not limit the court's discretion to continue the final hearing and extend the order upon the court's own motion or upon the motion of either party.

A. The order must be in writing and include the following:

(1) A statement of the grounds for the issuance of the order;

(2) The name and address of the court where any filings must be made, the names of the parties, the date of the petition, the date and time of the order and the date and time the order expires;

(3) The date and time of the hearing under subsection 3, paragraph A when the respondent may appear to contest the order before the court. The opportunity to contest the order must be scheduled as soon as reasonably possible, but may not be more than 14 days after the date of the issuance of the order unless extended upon the court's own motion or upon the motion of either party;

(4) A description of the requirements for relinquishment and return of dangerous weapons under section 2250; and

(5) A statement in substantially the following form:

"To the subject of this emergency extreme risk protection order: This order is in effect until the date and time stated above. If you have not done so already, you are required to surrender all dangerous weapons in your possession, control or custody as directed in this order. While this order is in effect, you are not allowed to purchase, possess or receive a dangerous weapon; attempt to purchase, possess or receive a dangerous weapon; or have or attempt to have custody or control of a dangerous weapon. A hearing will be held on the date and time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in the court making an order against you that is valid for up to one year. You may request an extension of the hearing date. You may seek the advice of an attorney regarding any matter connected with this order. An attorney may be appointed at the discretion of the court to represent you if you cannot afford one."

B. An order issued pursuant to this section must include the following statement: "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY THE MAINE REVISED STATUTES, TITLE 15, SECTION 393, AND MAY ALSO RESULT IN SANCTIONS FOR CONTEMPT PURSUANT TO THE MAINE RULES OF CIVIL PROCEDURE, RULE 66."

If a court denies a petition filed pursuant to this subsection, the court shall state the reason for the denial, which may include either written findings of fact or oral findings of fact on the record.

3. Duration. The duration of an emergency extreme risk protection order issued pursuant to this section is as follows.

A. Unless the petition is voluntarily dismissed pursuant to paragraph B, the court shall hold a hearing within 14 days after the issuance of an emergency extreme risk protection order to determine if an extreme risk protection order should be issued. If not voluntarily dismissed, the emergency extreme risk protection order expires when the court grants or denies a petition for an extreme risk protection order in accordance with section 2244, subsection 3.

B. The petitioner may voluntarily dismiss a petition filed pursuant to this section at any time prior to the hearing required under paragraph A if the petitioner determines the respondent no longer poses an immediate and significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. If the petitioner voluntarily dismisses the petition pursuant to this paragraph, the court shall vacate the emergency extreme risk protection order and direct a law enforcement agency in possession of a dangerous weapon belonging to the respondent to return it to the respondent consistent with section 2250.

§2246. Termination and renewal motions

1. Motion to terminate. A motion to terminate an extreme risk protection order issued pursuant to section 2244 is subject to the provisions of this subsection.

A. The respondent may file a motion to terminate an extreme risk protection order issued pursuant to section 2244 or an order renewed under subsection 2. A motion to terminate may not be filed more than once during the effective period of the order.

B. The motion to terminate an extreme risk protection order and notice of a hearing on the motion must be served on the petitioner pursuant to section 2247.

C. The court shall grant a motion to terminate an extreme risk protection order if it finds by clear and convincing evidence that the respondent no longer poses a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon.

D. An order on a motion to terminate an extreme risk protection order must state the reason for the denial or granting of the motion.

E. The court shall provide forms to a party filing a motion to terminate an extreme risk protection order. The form provided by the court must be uniform throughout the State.

2. Motion to renew. A motion to renew an extreme risk protection order issued pursuant to section 2244 is subject to the provisions of this subsection.

A. A petitioner may file a motion to renew an extreme risk protection order issued pursuant to section 2244 or renewed pursuant to this subsection for an additional period of up to one year. The motion must be accompanied by an affidavit and must be filed not more than 30 days and not less than 14 days before the expiration date of the order.

The motion and affidavit must comply with the requirements of section 2244, subsection 1.

B. The court shall hold a hearing within 14 days after a motion to renew an extreme risk protection order under paragraph A is filed. Notice of the hearing must be served pursuant to section 2247. The court may extend an extreme risk protection order at the time of expiration, upon motion of the petitioner, for additional time as the court determines necessary to hold a hearing on a motion to renew.

C. The court may grant relief only after notice to the respondent and an opportunity for a hearing. The court may grant the motion and renew an extreme risk protection order for an additional period of up to one year if it finds by a preponderance of the evidence that the respondent continues to pose a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. An order on a motion to renew must comply with the requirements of section 2244, subsection 3.

D. The court shall provide forms to a party filing a motion to renew an extreme risk protection order. The form provided by the court must be uniform throughout the State.

§2247. Service

1. Form of service; transmittal. A petition, emergency extreme risk protection order, extreme risk protection order or notice of a hearing issued pursuant to this chapter must be served by a law enforcement officer in accordance with the Maine Rules of Civil Procedure. A court that issues an order under this chapter shall promptly transmit the order electronically or by other means to a law enforcement agency for service and shall deliver a copy to the appropriate law enforcement agency.

2. Service on respondent. A respondent who attends a hearing held under section 2244, 2245 or 2246 at which an emergency extreme risk protection order or extreme risk protection order is issued and who receives notice from the court at the hearing that the order has been issued is deemed to have been served. Regardless of whether the court has previously notified the respondent of the order, the court shall transmit the order for service on the respondent by a law enforcement agency.

3. Performance of service. A petition, emergency extreme risk protection order, extreme risk protection order or notice of a hearing issued pursuant to this chapter must be served in a manner calculated to ensure the safety of the parties. Law enforcement agencies must have a written policy that prioritizes methods of service that do not involve advance notification of a request for an emergency extreme risk protection order to the respondent. The law enforcement agency shall make a good faith effort to serve process expeditiously. Notice of an emergency extreme risk protection order must be served as soon as practicable, but no later than 24 hours after issuance of the order. The law enforcement officer making service shall file a return of service with the court stating the date, time and place at which the order was delivered personally to the respondent.

4. Service of termination and renewal. A motion to terminate or renew an extreme risk protection order must be served by a law enforcement officer in accordance with the Maine Rules of Civil Procedure. A notice of hearing may be provided in accordance with the Maine Rules of Civil Procedure.

§2248. Procedure

1. Fee. A fee may not be charged for forms or for filing a petition, motion or other request for relief under this chapter.

2. Rules; other actions not barred. Proceedings commenced under this chapter must be in accordance with the Maine Rules of Civil Procedure. A proceeding under this chapter is in addition to any other available civil or criminal remedies. This chapter may not be construed to be applicable to actions under Title 19-A, chapter 103.

3. Assistance by law enforcement. Law enforcement agencies shall assist in carrying out the intent of this chapter.

§2249. Enforcement and entering of orders

1. Law enforcement officers and agencies. Law enforcement officers are authorized to enforce orders issued pursuant to this chapter. A law enforcement agency shall adopt a written policy on the enforcement of this chapter and the handling of extreme risk protection orders.

2. Failure to comply with order. A person who knowingly violates an extreme risk protection order issued pursuant to section 2244 or renewed pursuant to section 2246 or an emergency extreme risk protection order issued pursuant to section 2245 is subject to sanctions for contempt pursuant to the Maine Rules of Civil Procedure, Rule 66 and prosecution pursuant to state law, including, but not limited to, Title 15, section 393.

3. Notice to State Bureau of Identification; national background check. The court clerk shall forward a copy of an extreme risk protection order or emergency extreme risk protection order issued pursuant to this chapter the same day the order is issued to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. Upon receipt of the copy of the order, the Department of Public Safety, Bureau of State Police, State Bureau of Identification shall enter the order into the Federal Bureau of Investigation, National Instant Criminal Background Check System, any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of dangerous weapons and any computer-based criminal intelligence information system available in the State used by law enforcement agencies. The order must remain in each system for the duration of time it is in effect, and the law enforcement agency shall promptly remove expired or terminated orders.

4. Penalty for submitting false information. A person who submits materially false information in support of or in opposition to a petition for an extreme risk protection order under this chapter, knowing that material information in the petition or the affidavit is false or that the petition or affidavit is submitted with the intent to harass, is guilty of a Class C crime.

5. Warrantless arrest. Notwithstanding any provision of law to the contrary, an arrest for criminal violation of an order issued pursuant to this chapter may be without warrant upon probable cause whether or not the violation is committed in the presence of a law enforcement officer. The law enforcement officer may verify, if necessary, the existence of the order, including by telephone or radio communication with a law enforcement agency with knowledge of the order.

§2250. Relinquishment of dangerous weapon

1. Relinquishment by respondent. A respondent who is required to relinquish a dangerous weapon in the respondent's possession, custody or control under an extreme risk protection order issued pursuant to this chapter, upon service of the order, shall immediately relinquish the dangerous weapon to the law enforcement officer serving the order. A respondent notified by the court at a hearing is required to immediately cooperate with a law enforcement officer to come into compliance with the provisions of the order.

2. Warrant authorizing search and seizure. If a law enforcement agency demonstrates that there is probable cause to believe that the respondent will not relinquish a dangerous weapon, a court may issue a search warrant authorizing a law enforcement agency to seize any dangerous weapon at any location at the time of the issuance of the extreme risk protection order. A court may also issue a search warrant if a law enforcement agency demonstrates that there is probable cause to believe that any dangerous weapon has not been relinquished by the respondent.

3. Treatment of seized dangerous weapon. A law enforcement agency that takes possession of a dangerous weapon shall store the dangerous weapon at the law enforcement agency's facility or a tribal, regional or state public safety facility.

4. Lawful sale of dangerous weapons not affected. This section may not be construed to prohibit the lawful sale of a dangerous weapon by the lawful owner.

5. Release of dangerous weapon within 3 days. A law enforcement agency may release to the respondent a dangerous weapon relinquished pursuant to an extreme risk protection order issued pursuant to this chapter upon expiration of the extreme risk protection order in effect at the time of the request by the respondent and completion of a background check using the Federal Bureau of Investigation, National Instant Criminal Background Check System in a manner consistent with federal law. The dangerous weapon must be returned within 3 business days of the request.

6. When return prohibited. Notwithstanding any provision of this chapter to the contrary:

A. A dangerous weapon may not be returned to the respondent if the respondent's possession of the dangerous weapon is prohibited by state or federal law; and

B. A dangerous weapon may not be returned pursuant to this section if the dangerous weapon is evidence in a pending criminal matter.

§2251. Appeals

An extreme risk protection order issued pursuant to this chapter is a final order for the purposes of appeal.

§2252. Data and reporting

1. Annual report; submission to Legislature. The State Court Administrator, acting at the direction of the Chief Justice of the Supreme Judicial Court, shall prepare an annual report on and relating to the application of this chapter by the courts. By January 1, 2027 and annually thereafter, the State Court Administrator shall prepare and submit the report to the joint standing committee of the Legislature having jurisdiction over civil rights matters.

2. Report requirements. The report required by this section must contain the following:

A. The number of petitions filed for an extreme risk protection order;

B. The number of petitions filed that included a request for an emergency extreme risk protection order;

C. The number of extreme risk protection orders issued and the number denied;

D. The number of emergency extreme risk protection orders issued without notice and the number denied;

E. The number of extreme risk protection orders that have been voluntarily dismissed by the petitioner;

F. The number of emergency extreme risk protection orders entered without notice that have been voluntarily dismissed by the petitioner;

G. The number of motions filed to renew an extreme risk protection order;

H. The number of extreme risk protection orders that have been renewed;

I. The number of motions filed to terminate an extreme risk protection order;

J. The number of motions filed to terminate an extreme risk protection order that resulted in termination of an order prior to the original expiration date;

K. To the extent ascertainable from available state court data, the number of respondents subject to an extreme risk protection order who, within 30 days after entry of the order, have been charged with a criminal offense, including the nature of the criminal offense, whether the offense was a violation of the extreme risk protection order and the disposition or status of the offense; and

L. Demographic data regarding the individuals who have been petitioners and respondents in actions for extreme risk protection orders.

Sec. 7. Department of Public Safety to obtain federal funding; report. By January 1, 2027, the Department of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over civil rights matters the status of the state-level process currently under way to obtain federal funding for storing dangerous weapons in the custody of state, county and municipal law enforcement agencies.

SUMMARY

This initiated bill enacts the Extreme Risk Protection Order Act. Under the bill, a petition for an extreme risk protection order, which prohibits the purchase, possession or control of a dangerous weapon, may be sought if a person is suspected of posing a significant danger of causing physical injury to the person or to another person. A significant danger of causing physical injury to the person or another person is demonstrated by establishing that the person has inflicted or attempted to inflict physical injury on another person; placed another person in reasonable fear of physical injury; by action or inaction, presented a danger to persons in the person's care; or threatened or attempted suicide or has threatened or attempted serious bodily injury. The petition may be filed by a family or household member of the person or by a law enforcement agency or a law enforcement officer and must be supported by an affidavit stating the facts to support the allegations, identifying any dangerous weapons believed to be in the person's possession and stating whether the person is already the subject of an existing protection from harassment or protection from abuse order. Upon receipt of the petition and affidavit, the District Court is required to schedule a hearing, which must be held within 14 days of the filing of the petition, and provide notice of the hearing to the person who is the subject of the requested extreme risk protection order. Following the hearing, if the court finds by a preponderance of the evidence that the person poses a significant risk of causing physical injury to the person or to another person, the court must issue an order prohibiting, for up to one year, the person from purchasing, possessing or receiving a dangerous weapon, attempting to purchase, possess or receive a dangerous weapon or having custody or control of a dangerous weapon.

The bill allows a court to issue an emergency extreme risk protection order without prior notice to the person who is the subject of the requested order. A hearing must be scheduled no later than 14 days after the order is issued.

An extreme risk protection order may be terminated upon the request of the person who is the subject of the order if that person shows by clear and convincing evidence that the person no longer poses a significant danger of causing physical injury to the person or another person. An extreme risk protection order may be renewed for an additional period of up to one year.

A person who is the subject of an extreme risk protection order must immediately surrender all dangerous weapons in that person's possession, custody or control to a law enforcement agency.

The bill directs the State Court Administrator to report annually regarding data related to this legislation. It also directs the Department of Public Safety to submit a report to the joint standing committee of the Legislature having jurisdiction over civil rights matters on the status of obtaining federal funding related to storing dangerous weapons in the custody of law enforcement agencies.

Intent and Content

Prepared by the Office of the Attorney General
Question 2: Citizen Initiative

This citizen-initiated bill is intended to establish a process by which law enforcement and certain family and household members can ask a court to issue an "extreme risk protection order" temporarily prohibiting a person (the "respondent") from having dangerous weapons.

Who can petition a court. The proposed law would allow the following persons to ask for an extreme risk protection order:

- state, county, tribal, municipal, or University of Maine System law enforcement agencies;
- law enforcement officers other than federal law enforcement officers;
- the respondent's current or former spouse or domestic partner;
- a parent of the respondent's child;
- the respondent's adult child or sibling;
- the respondent's parent;
- an individual presently or formerly living with the respondent as a spouse; or,
- an adult presently living with the respondent.

Required showing. Under the proposed law, someone petitioning the court for an extreme risk protection order would need to allege that the respondent poses a significant danger of causing physical injury to themself or another person by having or attempting to have custody or control of a dangerous weapon. The petitioner would need to submit one or more sworn statements containing certain information supporting their allegations. A significant danger could be shown by establishing that (a) the respondent has inflicted or attempted to inflict physical injury on another person, (b) the respondent has placed another person in reasonable fear of physical injury by their threats or actions, (c) the respondent has presented a danger to another person in the respondent's care by their actions or inactions, or (d) the respondent has threatened or attempted suicide or has threatened or attempted to cause themself serious bodily injury.

Rights of the parties. The respondent would have the right to be notified of the petition and the opportunity for a hearing, to be held within 14 days after the petition is filed. The respondent would have the right to be represented by counsel at the hearing. The court could, in its discretion, appoint counsel for an indigent party at no cost to the party.

Issuance of the order. To issue an extreme risk protection order, the court would have to find by a preponderance of evidence that the respondent poses a significant danger of causing physical injury to themself or another person by having or attempting to have custody or control of a dangerous weapon. The order would prohibit the respondent from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon for up to one year. The court's order must be in writing and contain certain information, including the grounds for the order and a description of how to appeal or request termination of the order.

Early termination of order. The proposed law sets forth procedures for the respondent to request termination of an extreme risk protection order after it is issued. To terminate an order, the court would need to find by clear and convincing evidence that the respondent no longer poses the required significant danger.

Renewal of order. The proposed law sets forth procedures for a petitioner to seek renewal of an expiring extreme risk protection order for an additional period of up to one year. The court must hold a hearing and, to renew the order, must find by a preponderance of evidence that the respondent continues to pose the required significant danger. Orders would be renewable multiple times.

Emergency orders. The proposed law also sets forth a procedure by which a petitioner could request an "emergency" extreme risk protection order without notice to the respondent. The court could issue such an order if the petition and accompanying affidavits presented good cause that the respondent poses an "immediate and significant" danger of causing physical injury to themself or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. Upon issuing such an emergency order, the court must notify the respondent and schedule a hearing within 14 days to determine if a standard extreme risk protection order should be issued. The emergency order would remain in effect for up to 14 days unless the court extends it in connection with a continuance of the final hearing.

A "YES" vote is to enact the initiated legislation.

A "NO" vote opposes the initiated legislation.

Fiscal Impact Statement
Prepared by the Office of Fiscal and Program Review

This citizen initiative requires a District Court to schedule a hearing within 14 days of the filing of a petition for an extreme protection order. If the court finds that a person poses a significant risk of causing physical injury to the person or to another person, the court must issue an order prohibiting, for up to one year, the person from purchasing, possessing or receiving a dangerous weapon, attempting to purchase, possess or receive a dangerous weapon or having custody or control of a dangerous weapon. The initiative allows the court to terminate the order if the person who is subject to the order can show clear and convincing evidence that the person is no longer a threat. The Administrative Office of the Courts has indicated that the Maine Judicial Branch will require annual General Fund appropriations of approximately $1,126,000 to establish 2 Judge positions, 2 Marshal positions and 2 Assistant Clerk positions to handle the increased workload expected to be generated by the extreme risk protection order process. Additional one-time General Fund appropriations of approximately $76,000 are also anticipated to be required for significant system programming updates and for temporary contracted staffing to manage the additional filings prior to electronic implementation of the process.

There may be additional costs to state, county, tribal, municipal or University of Maine System law enforcement agencies for the collection and storage of firearms. The Department of Public Safety is tasked with reporting to the Legislature by January 1, 2027 on the status of state-level efforts to obtain federal funding for such storage. The probability of obtaining funding cannot be determined at this time.

The State has an existing program to provide counsel to represent indigent individuals. Whether this citizen initiative will generate enough additional requests for state-sponsored counsel to require additional appropriations will not be known until the initiative has been enacted into law long enough to obtain experience.

Public Comments

Public Comment in Support of Question 2

Comment submitted by:
Nacole Palmer
Safe Schools, Safe Communities
PO Box 92
Portland, ME 04112

When a person is in crisis and threatening to harm themselves or others, they often exhibit clear warning signs that family members are the first to see. But Maine's current law gives families no way to take action.

In the case of Lewiston, this gap in our current law failed us terribly. The gunman's family knew he posed a threat and repeatedly asked the police for help, but the law gave the family no way to take action. Later, a state investigation reported that our laws were too burdensome and weak to prevent this tragedy or tragedies like it.

Extreme Risk Protection Orders empower families to go directly to a court and temporarily prevent someone, who a court deems dangerous, from accessing deadly weapons. In the case of Lewiston, had this measure been in place, perhaps one of the many warnings about the would-be shooter would have resulted in action and the tragedy could have been prevented.

But we can help prevent future tragedies and save lives by voting 'YES' on Question 2 to pass an Extreme Risk Protection Order law. In 2021 firearms became the leading cause of death for American children and teens. Other states have used these laws to disarm people who threatened mass shootings, including school shootings. These laws are also effective in preventing suicides, which make up nearly 90 percent of all gun deaths in Maine.

Maine has a deep tradition of hunting, sport shooting, and gun rights, and we believe that with rights come responsibilities like keeping firearms out of dangerous hands. People experiencing a mental health crisis need help, not easy access to guns, and this measure allows families to step in when a loved one is in crisis. Vote 'YES' on Question 2 to keep our families, schools, and communities safe.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.