

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 396

H. P. 322

House of Representatives, January 28, 1975

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Perkins of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Clarify the Statutes Relating to Criminal Offenses under the Initiative and Referendum Process.

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

Sec. 1. 21 MRSA, §§ 1354-1356 are enacted to read:

§ 1354. Violations

Whoever commits any act described in this section shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 2 years, or by both:

1. A circulator of an initiative or referendum petition who willfully and falsely swears that one or more signatures to the petition were made in his presence or that one or more signatures are those of the persons whose names they purport to be;

2. A person authorized by law to administer oaths who willfully and falsely acknowledges the oath of a circulator of an initiative or referendum petition that was not made in his presence;

3. A person who knowingly signs an initiative or referendum petition with any name other than his own;

4. A person who knowingly signs his name more than once on initiative or referendum petitions for the same measure.

§ 1355. Warning to circulators and persons administering oaths to be printed on petition

The following words, in the following form, shall be printed in bold type or capital letters immediately after that portion of an initiative or referendum petition containing the oath of the circulator and the acknowledgement of his oath.

WARNING

It is a felony for the circulator of a petition to sign the above oath if one or more of the signatures to the petition were not made in his presence or if, to the best of his knowledge and belief, one or more signatures are not those of the persons whose names they purport to be. It is a felony for the person who administers the above oath to the circulator to do so if the circulator is not in his presence when the oath is taken.

§ 1356. **Warning to petitioners to be printed on petition**

The following words, in the following form, shall be printed in bold type or capital letters at the bottom of each page which is to contain signatures to an initiative or referendum petition.

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure.

Sec. 2. 21 MRSA, § 1391, last ¶, as repealed and replaced by PL 1973, c. 756, § 1, is amended to read:

Any references in this chapter to the promotion or defeat of a candidate includes the promotion or defeat of a party or ~~principal principle initiative or referendum question.~~

STATEMENT OF FACT

This bill is the result of a study of the initiative and referendum process assigned to the Joint Standing Committee on Judiciary. It represents the committee's recommendations to the 107th Legislature for changes in the statutes to improve the initiative and referendum processes, as further detailed in the committee's report on the study.

The bill establishes, for the first time, what are violations of the law in the initiative and referendum processes, and sets penalties for violations.

The bill requires that warnings to potential signers, to circulators and to persons who administer oaths to be prominently printed on all petition forms.

The bill clarifies the recent law on campaign spending limitations by deleting a meaningless reference to such a limitation on initiative and referendum campaigns, a limitation which might be unconstitutional.