

MAINE STATE LEGISLATURE

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R. of S.

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L.D. 289

(Filing No. S-39)

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STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " A " to S.P. 116, L.D. 289,
Bill, "AN ACT Relating to Questions Put to the Elec-
torate at Referendum."

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Amend the bill by adding after the enacting
clause the following:

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'Sec. 1. 21-A MRSA §905, sub-§§2 and 3, as en-
acted by PL 1985, c. 161, §6, are amended to read:

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2. Superior Court. Any voter named in the ap-
plication under section 901, or any person who has
validly signed the petitions, if these petitions are
determined to be invalid, or any other voter, if
these petitions are determined to be valid, may ap-
peal the decision of the Secretary of State by com-
mencing an action in the Superior Court. This action
shall be conducted in accordance with the Maine Rules
of Civil Procedure, Rule 80B 80C, except as modified
by this section. In reviewing the decision of the
Secretary of State, the court shall determine whether
the description of the subject matter is understand-
able to a reasonable voter reading the question for
the first time and will not mislead a reasonable vot-
er who understands the proposed legislation into vot-
ing contrary to his wishes. This action must be com-
menced within 5 days of the date of the decision of
the Secretary of State and shall be tried, without a
jury, within 15 days of the date of that decision.
Upon timely application, anyone may intervene in this
action when the applicant claims an interest relating
to the subject matter of the petitions, unless the
applicant's interest is adequately represented by ex-
isting parties. The court shall issue its written
decision containing its findings of fact and stating
the reasons for its decision within 30 days of the
commencement of the trial or within 45 days of the

COMMITTEE AMENDMENT " A " to S.P. 116, L.D. 289

1 date of the decision of the Secretary of State, if
2 there is no trial.

3 3. Supreme Judicial Court. Any aggrieved party
4 may appeal the decision of the Superior Court, on
5 questions of law, by filing a notice of appeal within
6 3 days of that decision. The appellant must file the
7 required number of copies of the record with the
8 clerk within 3 days after filing notice of appeal.
9 After a notice of appeal is filed, the parties have
10 10 days to file briefs with the clerk of courts. As
11 soon as the record and briefs have been filed, the
12 court shall immediately consider the case. The stan-
13 dard of review shall be the same as for the Superior
14 Court. The court shall issue its decision within 30
15 days of the date of the decision of the Superior
16 Court.'

17 Further amend the bill by renumbering the sec-
18 tions to read consecutively.

19 STATEMENT OF FACT

20 This amendment adds an appeal procedure that has
21 a higher standard of review than the one currently
22 required.

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Reported by Senator Kany for the Committee on Legal
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