

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 289

S.P. 116

In Senate, February 9, 1987

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator KANY of Kennebec.

Cosponsored by Representative LACROIX of Oakland,
Representative VOSE of Eastport, Senator ANDREWS of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to Questions Put to the
2 Electorate at Referendum.
3

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

6 Sec. 1. 21-A MRSA §906, sub-§6, as enacted by PL
7 1985, c. 161, §6, is repealed and the following en-
8 acted in its place:

9 6. Wording of ballots for people's veto and ini-
10 tiative referenda. Ballots for a statewide vote on
11 people's veto and initiative questions shall set out
12 the question to be voted on as set forth in this sub-
13 section.

14 A. With respect to people's veto referenda, the
15 question shall be presented to the voters in sub-
16 stantially the following form:

1 "Do you favor repealing the change in Maine
2 law concerning (the subject matter of the law en-
3 acted) enacted by the Legislature in (the year of
4 enactment) as (type of law and chapter number)?"

5 B. With respect to initiative referenda, the
6 question shall be presented to the voters in sub-
7 stantially the following form:

8 "Do you favor the changes in Maine law con-
9 cerning (the subject matter of the law) proposed
10 by citizen petition?"

11 C. In the event that the Legislature adopts a
12 competing measure to initiated legislation, the
13 Secretary of State shall pose the question in
14 substantially the following form:

15 "Do you favor one of the 2 measures concern-
16 ing (the subject matter of the law), 'A' proposed
17 by citizen petition, or 'B' adopted by the Legis-
18 lature, or should both be rejected as provided in
19 'C'?"

20 D. In each case, the Secretary of State shall
21 select language to describe the subject matter of
22 the law that would be affected by approval of the
23 referendum and shall complete the question
24 factually as may be necessary.

25 E. In the event that several initiative referen-
26 da relating to the same general subject matter
27 are to be submitted to the voters, the Secretary
28 of State shall distinguish each question from the
29 others in describing the subject matter.

30 Sec. 2. Application. This Act does not apply to
31 any petition concerning a people's veto or initiative
32 referenda which is filed with the Secretary of State
33 prior to February 1, 1987.

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STATEMENT OF FACT

2 The bill reduces the possibility of misleading
3 questions with respect to questions placed before the
4 voters as a result of people's veto and initiated
5 measures. In many cases, it is difficult to com-
6 pletely and accurately define initiated measures in a
7 single concise question. As a result, questions
8 placed before the voters on initiated bills sometimes
9 are incomplete or misleading.

10 By presenting questions in a way that refers to
11 the subject matter of a question in general form, the
12 danger of misleading questions is avoided. This bill
13 puts the burden on the voters to learn the facts
14 about proposed initiated bills before the voters en-
15 ter the voting booth. Under this bill, the voters
16 are neither lead nor mislead about the contents of
17 the initiated legislation by reading the questions.
18 The questions only asks the voters whether they favor
19 the initiated legislation.

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