

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1202, L.D. 1758,
"RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide for the Recall of State Elective Officials"

Amend the resolution by striking out the title and
substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide for the Recall of State Elective Officials and
Constitutional Officers'

Further amend the resolution by striking out all of the
amending clause and Section 5-A (page 1, lines 5 to 33 in L.D.)
and inserting in their place the following:

'Constitution, Art. IX, §§5-A and 5-B are enacted to read:

Section 5-A. Removal of state and county officers by
recall. Every person holding a state or county elected office
under this State is subject to recall and discharge by the legal
voters of the State or of the county pursuant to the following
procedures.

A petition demanding recall and reciting that the state or
county officer has committed some act or acts of malfeasance or
misfeasance while in office or has violated the oath of office
and describing those acts in 200 words or less must be signed by
a number of voters qualified to vote in the recall election at
least equal to 35% of the number of votes cast for all candidates
for that person's office at the preceding election.

This petition must be filed with the officer with whom a
petition for nomination to the office must be filed under the
laws of this State and the officer shall verify the signatures
and call a special election as required.

The ballot at the election must describe in not more than
200 words the reasons for demanding the recall of the officer, as
set forth in the recall petition, and must set forth in not more
than 200 words the officer's justification for the actions
complained of in the petition.

2 The Legislature shall provide procedures to facilitate the
implementation of this section.

4 Section 5-B. Removal of constitutional officers by recall.
6 The Attorney General, the Treasurer of State and the Secretary of
8 State are subject to recall and discharge by joint ballot of the
Senators and the members of the House of Representatives in
convention pursuant to the following procedures.

10 Fifty-one percent of the elected membership of the Senate
12 and the House of Representatives must sponsor a resolution
14 demanding recall and reciting, in 200 words or less, that the
constitutional officer has committed some act or acts of
malfeasance or misfeasance while in office or has violated the
16 oath of office. The resolution must be acted upon by a joint
convention of the Senate and the House of Representatives.

18 The Legislature shall provide procedures to facilitate the
20 implementation of this section.

22 ; and be it further'

24 Further amend the resolution in the referendum by striking
out all of the question (page 1, lines 44 to 51 in L.D.) and
inserting in its place the following:

26 ' "Shall the Constitution of Maine be amended to provide for
28 the recall and discharge of state and county elective
officials and constitutional officers for acts of
30 misfeasance, malfeasance or violation of oath of office?" '

32 Further amend the resolution by inserting before the
statement of fact the following:

34 **FISCAL NOTE**

36 This bill proposes a referendum allowing constitutional
38 officers to be recalled and discharged by a joint resolution of
the Legislature. If this joint convention is required to take
40 place when the Legislature is not in session, it would be
necessary to call a special session. A General Fund
42 appropriation to the Legislature of \$39,428 would be required to
cover the per diem and expenses of Legislators and other costs
44 associated with a one-day special session. A General Fund
appropriation to the Department of the Secretary of State will be
46 required to cover the cost of a special election if a recall of a
state or county officer is filed. This amount can not be
48 determined at this time.

50 The estimated cost of sending this resolution out to
referendum will vary according to the total number of referenda.

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2 The estimated cost to the Secretary of State if one to 6
referenda are enacted is \$95,000. Each additional referendum
4 costs an additional \$6,500.'

6 **STATEMENT OF FACT**

8 This amendment extends removal by recall to constitutional
officers elected by the Legislature. The amendment also adds a
10 fiscal note to the resolution.

Reported by the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
(6/3/91) (Filing No. H-521)