

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "B" 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  
3 implementation of this section.

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

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

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

20 ; and be it further'

22  
23 Further amend the resolution in the referendum by striking  
24 out all of the question (page 1, lines 44 to 51 in L.D.) and  
25 inserting in its place the following:

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

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

34 **FISCAL NOTE**

36 This bill proposes a referendum allowing constitutional  
37 officers to be recalled and discharged by a joint resolution of  
38 the Legislature. If this joint convention is required to take  
39 place when the Legislature is not in session, it would be  
40 necessary to call a special session. A General Fund  
41 appropriation to the Legislature of \$39,428 would be required to  
42 cover the per diem and expenses of Legislators and other costs  
43 associated with a one-day special session. A General Fund  
44 appropriation to the Department of the Secretary of State will be  
45 required to cover the cost of a special election if a recall of a  
46 state or county officer is filed. This amount can not be  
47 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 Majority of the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/11/91) (Filing No. H-655)