

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1758

H.P. 1202

House of Representatives, May 1, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

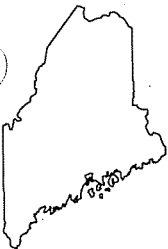
EDWIN H. PERT, Clerk

Presented by Representative LEMKE of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials.



2 **Constitutional amendment. RESOLVED:** Two thirds of each
branch of the Legislature concurring, that the following
amendment to the Constitution of Maine be proposed:

4 **Constitution, Art. IX, §5-A is enacted to read**

6 Section 5-A. Removal by recall. Every person holding any
8 elective civil office under this State is subject to recall and
discharge by the legal voters of the State or of the political
10 subdivision of the State from which that person was elected
pursuant to the following procedures.

12 A petition demanding recall and reciting that such officer
14 has committed some act or acts of malfeasance or misfeasance
while in office or has violated the oath of office and describing
16 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
18 35% of the number of votes cast for all candidates for that
person's office at the preceding election.

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

26 The ballot at the election must describe in not more than
28 200 words the reasons for demanding the recall of the officer, as
set forth in the recall petition, and must set forth in not more
30 than 200 words the officer's justification for the actions
complained of in the petition.

32 The Legislature shall provide such other procedures as will
34 facilitate the implementation of this section.

36 **Constitutional referendum procedure; form of question; effective**
date. Resolved: That the municipal officers of this State shall
38 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
40 a statewide election, at a statewide election, on the Tuesday
following the first Monday of November following the passage of
42 this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

44 "Shall the Constitution of Maine be amended as proposed by a
46 resolution of the Legislature to provide for the recall and
discharge of state elective officials for commission of acts
48 of misfeasance or malfeasance while in office or violation
of oath of office upon the petition of a number of voters
50 qualified to vote in the recall election at least equal to
35% of the number of votes cast for all candidates for that
office in the preceding election?"

