

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1964

H.P. 1377

House of Representatives, June 27, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LEMKE of Westbrook.

Cosponsored by Senator CONLEY of Cumberland, Representative PARADIS of Frenchville
and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

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

Resolve, to Establish the Commission on Recall.

(AFTER DEADLINE)

2 **Sec. 1. Commission created and charged. Resolved:** That there is
3 established the Commission on Recall, provided that a proposed
4 constitutional referendum to permit the recall of state and
5 county elected officials is approved by the voters at the
6 statewide election held in November 1991; and be it further

7 **Sec. 2. Appointment. Resolved:** That within one month after
8 the referendum described in section 1 has passed, the 12-member
9 commission will be appointed as follows:

10 1. Three Senators, at least one of whom must be from the
11 minority party, appointed by the President of the Senate;

12 2. Three members of the House of Representatives, at least
13 one of whom must be from the minority party, appointed by the
14 Speaker of the House of representatives;

15 3. One representative of the Governor's office, appointed
16 by the Governor;

17 4. Two representatives of county government, one appointed
18 by the President of the Senate and one appointed by the Speaker
19 of the House of Representatives;

20 5. Three members of the general public, one each appointed
21 by the President of the Senate, the Speaker of the House of
22 Representatives and the Governor; and be it further ,

23 **Sec. 3. Convening of commission. Resolved:** That when the
24 appointment of all commission members is completed, the Chair of
25 the Legislative Council shall call the first meeting not later
26 than February 1, 1992. At the first meeting the members shall
27 elect a chair; and be it further

28 **Sec. 4. Charge. Resolved:** That the commission shall draft
29 legislation to implement the recall amendment, subject to
30 approval of 2/3 of the Senate and 2/3 of the House of
31 Representatives. That legislation must include, but is not
32 limited to, the following:

33 1. A description of the recall process including the number
34 of times a recall may be attempted, the minimum length of time an
35 official must be in office before a recall may be initiated, the
36 maximum length of time remaining in an official's term beyond
37 which a recall may not be initiated, the maximum time period
38 allowed for petition circulation, the maximum amount of time for
39 a petition to be certified and the number of days an official has
40 to step down after the petition is certified;

41 2. The reasons that a recall may be initiated; and

2 3. A definition of the terms used in the legislation; and
be it further

4
6 **Sec. 5. Report. Resolved:** That the commission shall present
its findings and recommended legislation to the Second Regular
8 Session of the 115th Legislature by March 15, 1992; and be it
further

10 **Sec. 6. Assistance. Resolved:** That, if staff assistance is
desired, assistance must be requested from the Legislative
12 Council; and be it further

14 **Sec. 7. Compensation. Resolved:** That all members of the
commission must receive reimbursement for expenses upon
16 application to the Executive Director of the Legislative Council;
and be it further

18 **Sec. 8. Appropriation. Resolved:** That the following funds are
20 appropriated from the General Fund to carry out the purposes of
this resolve.

22

1991-92

24 **LEGISLATURE**

26 **Commission on Recall**

28

All Other	\$1,500
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30

32 Provides funding for the expenses of the
Commission on Recall.

34

36 **FISCAL NOTE**

1991-92

38 **APPROPRIATIONS/ALLOCATIONS**

40 General Fund	\$1,500
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42 This bill appropriates \$1,500 in fiscal year 1991-92 to the
Legislature to provide funding for the Commission on Recall.

44

46 **STATEMENT OF FACT**

48 This resolve is a companion bill to L.D. 1758, which
proposes a referendum to the Constitution of Maine that would
50 permit state and county elected officials to be recalled. This

2 resolve establishes a commission to draft enabling legislation if
the referendum is, approved by the public. The proposed
4 legislation must be passed by 2/3 vote of both Houses of the
Legislature before it becomes law.