

MAINE STATE LEGISLATURE

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R. 019

L.D. 1488

(Filing No. H- 497)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1101, L.D. 1488, Bill, "An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum"

Amend the bill in section 1 in that part designated "**§901.**" in subsection 3-A in the 3rd and 4th lines (page 2, lines 3 and 4 in L.D.) by striking out the following: "and after payment"

Further amend the bill in section 1 in that part designated "**§901.**" in subsection 6 in the last 2 lines (page 3, lines 4 and 5 in L.D.) by striking out the following: "not later than 35 days from receipt of the application"

Further amend the bill by striking out all of section 3 and inserting in its place the following:

Sec. 3. 21-A MRSA §906, sub-§6, as repealed and replaced by PL 1987, c. 119, §2, is repealed and the following enacted in its place:

6. Wording of ballots for people's veto and direct initiative referenda. Ballots for a statewide vote on a people's veto referendum or a direct initiative must set out the question or questions to be voted on as set forth in this subsection.

A. The Secretary of State shall advise petitioners that the proper suggested format for an initiative question is a separate question for each issue. In determining whether there is more than one issue, each requiring a separate question, considerations include whether:

(1) A voter would reasonably have different opinions on the different issues;

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(2) Having more than one question would help voters to better understand the subject matter; and

(3) The questions are severable and can be enacted or rejected separately without negating the intent of the petitioners.

B. The Secretary of State shall write the question in a simple, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative.

C. The question must be phrased so that an affirmative vote is in favor of the people's veto or direct initiative.

D. If the Legislature adopts a competing measure, the ballot must clearly designate the competing question and legislation as a competing measure and allow voters to indicate whether they support the direct initiative, support the competing measure or reject both.

E. If there is more than one direct initiative referendum on the same general subject, the Secretary of State shall write the questions in a manner that describes the differences between the initiatives.'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 21-A MRSA §1055, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

~~Whenever--any~~ When a political action committee makes an expenditure to finance ~~communications~~ a communication expressly advocating the initiation, promotion or defeat of a question or candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, these---communications the communication must clearly and conspicuously state the name and address of the political action committee ~~which that authorized,~~ made or financed the expenditure for the communication and that the communication has been authorized by the political action committee.'

Further amend the bill by renumbering the sections to read consecutively.

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STATEMENT OF FACT

This amendment deletes reference to "after payment" in the provision on the Secretary of State reviewing the proposed law for proper form. It deletes the requirement that a decision of the Secretary of State rejecting an application be given within 35 days, leaving in the law the requirement that notice be given within 15 days. It adds a provision that requires the Secretary of State to advise petitioners on the proper suggested format for questions, following the outline of section 4 of the bill.

Reported by the Committee on Legal Affairs
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