

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1488

H.P. 1101

House of Representatives, May 11, 1993

An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum.

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GEAN of Alfred.
Cosponsored by Senator CAHILL of Sagadahoc and
Representatives: DAGGETT of Augusta, PARADIS of Augusta, YOUNG of Limestone,
ZIRNKILTON of Mount Desert, Senators: CONLEY of Cumberland, DUTREMBLE of York.

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 21-A MRSA §901, as amended by PL 1991, c. 862, §8, is further amended to read:

6 **§901. Petitions**

8 ~~On a voter's written application, signed in the office of the Secretary of State on a form designed by the Secretary of State, the Secretary of State shall furnish enough petition forms to enable the voter to invoke the initiative procedure or the referendum procedure provided in the Constitution of Maine, Article IV, Part Third. This application must contain the names and addresses of 5 voters who shall receive any notices in proceedings under this chapter.~~

16 To initiate proceedings for a people's veto referendum or the direct initiative of legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and 18, a voter shall submit a written application to the Department of the Secretary of State on a form designed by the Secretary of State. The application must contain the names and addresses of 5 voters who are designated to receive any notices in proceedings under this chapter. For a direct initiative, the application must contain the full text of the proposed law. The voter submitting the application shall sign the application in the presence of the Secretary of State or the Secretary of State's designee.

30 On receipt, the Secretary of State, or the Secretary of State's designee shall review the application and determine the form of the petition to be submitted to the voters.

34 1. Limitation on petitions. An application for a people's veto referendum petition must be filed in the office Department of the Secretary of State within 10 working days after adjournment of the legislative session at which the Act in question was passed. A direct initiative of legislation must meet the filing deadlines specified in the Constitution of Maine, Article IV, Part Third, Section 18.

42 ~~2. --Furnished within 10 days.--The Secretary of State shall furnish the forms within 10 days after request and after payment.~~

44 ~~3. --Forms printed by voters.--If a voter wishes to furnish the forms by himself at his own expense, he may do so, but these forms must first be approved by the Secretary of State.~~

2 3-A. Review for proper form. The Secretary of State shall
3 review the proposed law for a direct initiative of legislation
4 within 15 working days after receipt of the application and after
5 payment. The Secretary of State may reject the application if
6 the Secretary of State determines that the proposed law:

7 A. Does not conform to the form prescribed by the Secretary
8 of State; or

9 B. Does not conform to the essential aspects of the
10 drafting conventions established for the Maine Revised
11 Statutes. The drafting conventions include but are not
12 limited to:

13 (1) Correct allocation to the statutes and correct
14 integration with existing statutes;

15 (2) Bill titles and statute section headnotes that
16 objectively reflect the content of the bill, section or
17 sections to which they apply;

18 (3) Conformity to the statutory numbering system; and

19 (4) Ensuring that bills enacting statutes do not
20 contain provisions that describe intent or make
21 testimonial statements without creating a legal
22 requirement or duty.

23 By consent of the applicant the proposed law may be modified to
24 conform with the requirements of this section. The Secretary of
25 State may request assistance from the Revisor of Statutes in
26 reviewing the proposed law.

27 3-B. Approved petitions printed by voters. A voter must
28 print the petitions in the form approved by the Secretary of
29 State.

30 4. Ballot question. The ballot question for an initiative
31 and or a people's veto referenda referendum must be drafted by
32 the Secretary of State in accordance with section 906 and rules
33 adopted in accordance with the Maine Administrative Procedure
34 Act. The question must be conspicuously displayed on the face of
35 the petition.

36 5. Summary of proposal. For a direct initiative, the
37 Secretary of State shall request the Revisor of Statutes to
38 recommend a concise summary that objectively describes the
39 content of the proposed law. The Secretary of State shall
40 approve or amend the summary and the summary must be attached to
41 the end of the proposed law.

2 6. Rejection. If the Secretary of State rejects an
4 application under this section, the Secretary of State shall
6 provide a written statement of the reasons for the decision not
 later than 35 days from receipt of the application.

8 7. Court review. A voter named in the application under
10 this section may appeal any decision made by the Secretary of
 State under this section using the procedures for court review
 provided for in section 905, subsections 2 and 3.

12 Sec. 2. 21-A MRSA §905, sub-§1, as enacted by PL 1985, c. 161,
14 §6, is repealed and the following enacted in its place:

16 1. Secretary of State. The Secretary of State shall review
18 all petitions filed in the Department of the Secretary of State
20 for a people's veto referendum under the Constitution of Maine,
 Article IV, Part Third, Section 17, or for a direct initiative
 under the Constitution of Maine, Article IV, Part Third, Section
 18.

22 The Secretary of State shall determine the validity of the
24 petition and issue a written decision stating the reasons for the
26 decision within 30 days after the final date for filing the
 petitions in the Department of the Secretary of State under the
 Constitution of Maine, Article IV, Part Third, Section 17 or 18.

28 Sec. 3. 21-A MRSA §906, sub-§6, as repealed and replaced by PL
30 1987, c. 119, §2, is repealed and the following enacted in its
 place:

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

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

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

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

