

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 113

H.P. 77

House of Representatives, January 17, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide a Method for Citizen-initiated Recall of Persons Holding
Elective Civil Offices.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.
Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BARTH of Bethel, BENEDIKT of Brunswick, CAMERON of Rumford, DAVIDSON of Brunswick, DESMOND of Mapleton, DiPIETRO of South Portland, GERRY of Auburn, GOULD of Greenville, HATCH of Skowhegan, KERR of Old Orchard Beach, KILKELLY of Wiscasset, MARSHALL of Eliot, MORRISON of Bangor, PENDLETON of Scarborough, POULIOT of Lewiston, SHIAH of Bowdoinham, SIMONEAU of Thomaston, UNDERWOOD of Oxford, Senator: MICHAUD of Penobscot.

2 commission of acts of misfeasance or malfeasance while in
office or violation of oath of office upon the petition of a
4 number of voters qualified to vote in the recall election at
least equal to 35% of the number of votes cast in the
preceding gubernatorial election?"

6
8 The legal voters of each city, town and plantation shall
vote by ballot on this question and designate their choice by a
cross or check mark placed within the corresponding square below
10 the word "Yes" or "No." The ballots must be received, sorted,
counted and declared in open ward, town and plantation meetings
12 and returns made to the Secretary of State in the same manner as
votes for members of the Legislature. The Governor shall review
14 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
16 that fact without delay and the amendment becomes part of the
Constitution on the date of the proclamation; and be it further

18
20 **Secretary of State shall prepare ballots. Resolved:** That the
Secretary of State shall prepare and furnish to each city, town
and plantation all ballots, returns and copies of this resolution
22 necessary to carry out the purpose of this referendum.

24
26 **STATEMENT OF FACT**

28 This constitutional resolution provides for citizen recall
of elected officials for misfeasance, malfeasance or violation of
oath while in office on the petition of qualified voters equal to
30 35% of the total number of votes cast in the preceding
gubernatorial election. The provision for the recall of elective
32 officials and the procedures set forth for its implementation are
based on similar constitutional provisions in other states.