

# MAINE STATE LEGISLATURE

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H. 1  
S.

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DATE: 11/30/95

(Filing No. H- 669 )

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**LEGAL AND VETERANS AFFAIRS**

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10 Reproduced and distributed under the direction of the Clerk of  
the House.

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST SPECIAL SESSION**

16

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20 COMMITTEE AMENDMENT "A" to H.P. 1149, L.D. 1588, Bill, "An  
Act to Clarify the Referendum Recount Process"

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Amend the bill by striking out everything after the enacting  
clause and before the emergency clause and inserting in its place  
the following:

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'Sec. 1. 21-A MRSA §738, as amended by PL 1993, c. 473, §32  
and affected by §46, is further amended to read:

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**§738. Statewide referendum ballots**

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Except as otherwise provided in this section, the method of  
conducting a referendum recount is governed by section 737-A.

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On petition signed by 100 or more affected voters, a recount  
may be held on any referendum question by applying to the  
Secretary of State within the deadline provided in section  
737-A. A deposit is required if the percentage difference  
between the yes and no votes falls within the requirements of  
section 737-A, subsection 1. Appeal of challenged or disputed  
ballots is to the Supreme Judicial Court.

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If a ballot contains state and local candidates or  
questions, the Secretary of State shall determine which requests  
for recount must be honored first when more than one request is  
presented.

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**Sec. 2. Committee directed to report out legislation.** The joint  
standing committee of the Legislature having jurisdiction over  
legal and veterans affairs shall report out legislation to the  
Second Regular Session of the 117th Legislature related to the  
recount process for referendum questions.

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**COMMITTEE AMENDMENT**

R. of S.

2           **Sec. 3. Application.** Notwithstanding Title 1, section 302,  
section 1 of this Act applies to all requests for a statewide  
4 referendum recount that exist on the effective date of this Act.'

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**FISCAL NOTE**

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The Department of Secretary of State and the Department of  
10 Public Safety will incur some unbudgeted costs as a result of the  
pending recount of a referendum, which are not associated with  
12 this bill. This bill clarifies the procedures that must be  
followed for this pending recount. Additional costs associated  
14 with any potential increase in responsibilities to these  
departments as a result of the clarification can be absorbed  
16 within the respective departments' existing budgeted resources.

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**STATEMENT OF FACT**

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This amendment, which is the majority report of the Joint  
22 Standing Committee on Legal and Veterans Affairs, strikes and  
replaces the substance of the bill. Under this amendment, the  
24 Secretary of State is required to conduct statewide referendum  
recounts using the same process as required for candidate  
26 recounts.

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This amendment specifies that the process applies to pending  
recount requests.

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This amendment directs the Joint Standing Committee on Legal  
32 and Veterans Affairs to report out legislation to the Second  
Regular Session of the 117th Legislature related to the recount  
34 process for referendum questions.

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This amendment preserves the emergency clause and emergency  
preamble of the bill.

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This amendment also adds a fiscal note.

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