

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1997

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Legislative Document

No. 1917

S.P. 686

In Senate, December 3, 1997

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**An Act to Amend the Election Laws.**

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Submitted by the Secretary of State pursuant to Joint Rule 204.  
Received by the Secretary of the Senate on December 3, 1997. Referred to the Committee on Legal and Veterans Affairs and ordered printed pursuant to Joint Rule 308.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.

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

2           **Sec. 1. 21-A MRSA §303, sub-§3,** as amended by PL 1995, c. 459,  
4           §20, is further amended to read:

6           **3. Petition.** After the filing of the declaration described  
8           in subsection 1, the ~~veter--or--a--group--of--veters~~ Secretary of  
10           State or the Secretary of State's designee shall review the  
12           declaration and determine the form of the petitions to be  
14           submitted to the voters. The voter or voters proposing to form  
16           the party shall print the petitions in the form approved by the  
18           Secretary of State and may then circulate the petitions. These  
20           petitions must be signed, verified and certified in the same  
22           manner as primary petitions under section 335, subsections 3, 4  
24           and 7. Each page of the petition must have a caption, in  
          conspicuous type, that contains the designation of the proposed  
          party followed by the words "Petition to participate in the  
          primary election." ~~The Secretary of State shall prepare forms~~  
          ~~for these petitions.~~ The petitions must be filed in the office  
          of the Secretary of State before 5 p.m. on the 180th day  
          preceding a primary election and must contain the signatures and  
          legal addresses of voters equal in number to at least 5% of the  
          total vote cast in the State for Governor at the last preceding  
          gubernatorial election.

26           **Sec. 2. 21-A MRSA §901, sub-§1,** as amended by PL 1993, c. 352,  
28           §1, is further amended to read:

30           **1. Limitation on petitions.** An application for a people's  
32           veto referendum petition must be filed in the Department of the  
34           Secretary of State within 10 working business days after  
36           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.

38           **Sec. 3. 21-A MRSA §901, sub-§3-A,** as enacted by PL 1993, c.  
40           352, §1, is amended to read:

42           **3-A. Review for proper form.** The Secretary of State shall  
44           review the proposed law for a direct initiative of legislation  
46           within ~~15--working~~ 10 business days after receipt of the  
          application and either reject the application or provide a first  
          revised draft of the initiative legislation to the applicant  
          within that time. The Secretary of State may reject the  
          application if the Secretary of State determines that the  
          proposed law:

48           A. Does not conform to the form prescribed by the Secretary  
50           of State;

2 B. Does not conform to the essential aspects of the  
drafting conventions established for the Maine Revised  
4 Statutes. The drafting conventions include but are not  
limited to:

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

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

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

14 (4) Ensuring that bills enacting statutes do not  
16 contain provisions that describe intent or make  
testimonial statements without creating a legal  
18 requirement or duty.

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

24 The applicant shall submit each subsequent draft of the  
26 legislation to the Secretary of State for review following the  
same process. The Secretary of State shall review each  
28 subsequent draft from the applicant and provide a revised draft  
or written response suggesting how the proposed law may be  
30 modified to conform with the requirements of this section within  
10 business days.

32 **Sec. 4. 21-A MRSA §901, sub-§4,** as amended by PL 1993, c. 352,  
34 §1, is further amended to read:

36 **4. Ballot question.** The ballot question for an initiative  
or a people's veto referendum must be drafted by the Secretary of  
38 State in accordance with section 906 and rules adopted in  
accordance with the Maine Administrative Procedure Act within 10  
40 business days after the applicant has provided the Secretary of  
State with written consent to the final language of the proposed  
42 law. The question must be conspicuously displayed on the face of  
the petition.

44 **Sec. 5. 21-A MRSA §902,** as enacted by PL 1985, c. 161, §6, is  
46 amended by adding at the end a new paragraph to read:

48 The petitions must be signed, verified and certified in the  
same manner as are nonparty nomination petitions under section  
50 354, subsections 3 and 4 and subsection 7, paragraphs A and C.

2           **Sec. 6. 21-A MRSA §906, sub-§1**, as amended by PL 1995, c. 459,  
3 §114, is repealed.

4           **Sec. 7. 21-A MRSA §906, sub-§1-A** is enacted to read:

5           **1-A. Referendum questions on same ballot.** Referendum  
6 questions may be printed on the same ballot or ballot card used  
7 for the election of state candidates or municipal elections, as  
8 determined by the Secretary of State in accordance with section  
9 604-A. There must be a place on the ballot for the voter to  
10 designate the voter's choice.  
11

12           **Sec. 8. 21-A MRSA §906, sub-§3**, as enacted by PL 1985, c. 161,  
13 §6, is amended to read:

14           **3. Distinctively colored.** Referendum ballots must be  
15 printed on paper of a distinctive color selected by the Secretary  
16 of State, unless the referendum ballot is combined with the same  
17 ballot used for the election of state candidates or municipal  
18 elections under subsection 1-A.

19           **Sec. 9. 21-A MRSA §906, sub-§5**, as enacted by PL 1985, c. 161,  
20 §6, is repealed.

21           **Sec. 10. 21-A MRSA §906, sub-§7**, as enacted by PL 1985, c.  
22 161, §6, is amended to read:

23           **7. Order of questions on the ballot.** The Secretary of  
24 State shall arrange questions on the ballot in the following  
25 order: People's carry-over measures from a previous election;  
26 people's veto questions; initiated measures; bond issues;  
27 constitutional amendments; and other legislatively proposed  
28 referenda. Within each group, questions must be arranged in a  
29 random order determined by a selection process conducted in  
30 public. All ballot questions must be numbered sequentially.

## 31 SUMMARY

32           This bill makes several changes to the laws governing the  
33 filing of petitions, as follows.

34           1. It clarifies that the petition form for organization of  
35 a new party must be approved by the Secretary of State and  
36 printed by the voter or voters proposing to form the new party.

37           2. It changes "working" days to "business" days, which is a  
38 term defined in the law.

2           3. It changes the time for the initial review of an  
3 application for a citizen's initiative or people's veto  
4 referendum from 15 working days to 10 business days and clarifies  
5 that the Secretary of State must either reject the application or  
6 respond to the applicant with a revised draft of the legislation  
7 within that time.

8           4. The bill also provides for an additional 10 business  
9 days for the Secretary of State to review each change or  
10 subsequent draft of a citizen's initiative and respond to the  
11 applicant with a revised draft or suggested revisions to the  
12 draft within that time. Once the applicant has approved the  
13 final language of the proposed legislation, the Secretary of  
14 State has 10 business days to provide the ballot question to the  
15 applicant.

16           5. This bill clarifies that referendum questions may be  
17 printed on a state candidate election ballot or municipal  
18 election ballot if approved by the Secretary of State.

19           6. This bill establishes the order of questions on a ballot  
20 to include a carry-over measure from a previous election, such as  
21 a competing measure or citizen initiative that did not receive  
22 the majority of votes required to be enacted.  
23  
24