

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 755

H.P. 600

House of Representatives, February 13, 2001

An Act to Clarify Referendum Wording.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: BROOKS of Winterport, CHIZMAR of Lisbon, HEIDRICH of Oxford,
JACOBS of Turner, KASPRZAK of Newport, O'BRIEN of Augusta, Senators: FERGUSON
of Oxford, SAVAGE of Knox.

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

2
4 **Sec. 1. 21-A MRSA §906, sub-§6, ¶C**, as repealed and replaced by PL 1993, c. 352, §3, is amended to read:

6 C. The question must be phrased so that an affirmative vote
8 is in favor of the people's--veto--or--direct--initiative
10 subject matter of the question rather than the position of
12 the petitioner. If the question is to repeal an existing
law, the question must be phrased in a way that an
affirmative vote is a vote to retain the law and a negative
vote is a vote to repeal the law.

14 **Sec. 2. 30-A MRSA §2504**, as corrected by RR 1999, c. 1, §43,
16 is amended to read:

18 **§2504. Circulation of petitions for local initiative**

20 ~~No~~ A municipality may not enact any charter provision or
22 ordinance prohibiting the circulation of petitions for any local
24 initiative. A petition related to any local initiative,
26 including, without limitation, petitions filed under section
28 2522, section 2528, subsection 5, the Constitution of Maine,
Article IV, Part Third, Section 21, or a municipal charter
provision authorizing local initiatives, may be circulated as
provided in Title 21-A, ~~section~~ sections 903-A, 904, 904-A and
904-B.

30 **Sec. 3. 30-A MRSA §2528, sub-§6, ¶C**, as amended by PL 1989, c.
104, Pt. C, §§8 and 10, is further amended to read:

32 C. Any question or questions required by law to be
34 submitted to a vote shall must be printed either below the
36 list of candidates or on a separate ballot from the ballot
38 listing candidates. The question must be phrased so that an
affirmative vote is in favor of the subject matter of the
question. If the question is to repeal an existing law, the
question must be phrased in a way that an affirmative vote
is a vote to retain the law and a negative vote is a vote to
repeal the law. If a separate ballot is used, this ballot
must be a different color than the ballot listing candidates.

42 **SUMMARY**

44
46 This bill requires that the wording of referenda be phrased
so that an affirmative vote is in favor of the subject matter in
question rather than in favor of the petitioner's position.

2 The bill also requires that the wording of referenda on the
ballot at a municipal election be phrased so that an affirmative
4 vote is in favor of the change proposed pertaining to the subject
matter in question.