

MAINE STATE LEGISLATURE

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L.D. 1251

DATE: 5-19-03

(Filing No. H-449)

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 925, L.D. 1251, Bill, "An Act To Increase Access to Information Regarding Referendum Questions"

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

'Sec. 1. 1 MRSA §353, as amended by PL 1991, c. 837, Pt. A, §1, is further amended to read:

§353. Explanation of proposed amendments and statewide referenda

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement, which must fairly describe the intent and content of and what a "yes" vote favors and a "no" vote opposes for each constitutional resolution or statewide referendum that may be presented to the people and which must include any information prepared by the Treasurer under Title 5, section 152. The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, ~~the Secretary of State and the Attorney General shall prepare an explanation of what a yes vote favors and a no vote opposes the~~ Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations. The Secretary of State shall publish ~~this~~ the explanatory statement

COMMITTEE AMENDMENT

and the fiscal estimate in each daily newspaper of the State, not more than 10 and not less than 7 days prior to the voting. The explanatory-statement This information may be published in the English language in a foreign language newspaper.

Sec. 2. 1 MRSA §354 is enacted to read:

§354. Public comment on proposed amendments and statewide referenda; rules; fees

The Secretary of State shall adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda. These rules must include, but are not limited to, a word limit, the labeling of public comment as supporting or opposing a measure and the identification of the person or persons responsible for the comment. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning with the November 2004 election and every election thereafter, the Secretary of State shall publish the public comment, along with the explanatory statement and fiscal estimate required under section 353, on a publicly accessible site on the Internet and in pamphlets distributed to the municipalities of the State. A person filing a public comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected pursuant to this section must be deposited in the Public Comment Publication Fund established under Title 5, section 90-C.

Sec. 3. 5 MRSA §90-C is enacted to read:

§90-C. Public Comment Publication Fund

The Public Comment Publication Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of the Secretary of State. The fund consists of fees for public comment on constitutional resolutions and statewide referenda received by the Secretary of State pursuant to Title 1, section 354. The money in the fund must be used for the purpose of publishing the informational pamphlet that includes the public comment, explanatory statement and fiscal estimate pursuant to Title 1, section 354. The unobligated and unencumbered balance of the fund in excess of \$5,000 as of December 1st of each year must be transferred to the General Fund.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

**Bureau of Administrative Services
and Corporations 0692**

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Initiative: Provides initial allocations for the Public Comment Publication Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$500
Other Special Revenue Funds Total	\$500	\$500'

SUMMARY

This amendment replaces the bill. The amendment requires the Office of Fiscal and Program Review to prepare a fiscal estimate of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations and to publish that estimate with the explanatory statement that is already required. The amendment requires the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and establishes a fee of \$500 for having public comments published. It also establishes a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and requires that the fund be used for the purpose of publishing the informational pamphlet including the public comment, explanatory statement and fiscal estimate. The amendment specifies that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund.

FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1251

An Act To Increase Access to Information Regarding Referendum Questions

LR 0820(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund
 Potential current biennium revenue increase - General Fund
 Undetermined current biennium cost increase - Other Special Revenue
 Undetermined current biennium revenue increase - Other Special Revenue

	2003-04	2004-05	Projections 2005-06	Project 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

The requirement that the Secretary of State must provide additional information on the ballots for statewide referendum questions may increase General Fund costs; the amounts will depend on the number of questions that are to be voted on in any given election year and can not be determined at this time.

This bill also includes a fee that must be paid by those persons who wish to have their public comments about a particular referendum published. These fees will increase Other Special Revenue funds revenues; the amounts will depend on the number of persons who wish to have their comments published and can not be determined at this time. The bill includes base Other Special Revenue funds allocations of \$500 in each of fiscal years 2003-04 and 2004-05 for the costs of publishing any public comments. Any unspent fees in excess of \$5,000 will be transferred to the General Fund by December 1st of each year. It is not known whether revenues will exceed expenditures by more than \$5,000.