

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 870

H.P. 621

House of Representatives, February 16, 2005

An Act To Increase Access to Information Regarding Referendum Questions

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: CLARK of Millinocket, FISHER of Brewer, GERZOFSKY of Brunswick,
GROSE of Woolwich, PATRICK of Rumford, PINEAU of Jay, RINES of Wiscasset,
TUTTLE of Sanford.

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

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

6 **§353. Explanation of proposed amendments and statewide referenda**

8 With the assistance of the Secretary of State, the Attorney
10 General shall prepare a brief explanatory statement which that
12 must fairly describe the intent and content of and what a "yes"
14 vote favors and a "no" vote opposes for each constitutional
16 resolution or statewide referendum that may be presented to the
18 people and which that must include any information prepared by
20 the Treasurer of State under Title 5, section 152. The
22 explanatory statement may not include comments of proponents or
24 opponents as provided by section 354. In addition to the
26 explanatory statement, the Secretary of State and the Attorney
28 General shall prepare an explanation of what a yes vote favors
and a no vote opposes beginning with the November 2006 election
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 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.

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

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

36 The Secretary of State shall adopt rules regarding the
38 publication of public comment by proponents and opponents of
40 constitutional resolutions or statewide referenda. These rules
42 must include, but are not limited to, a word limit, the labeling
44 of public comment as supporting or opposing a measure and the
46 identification of the person or persons responsible for the
48 comment. Rules adopted pursuant to this section are major
50 substantive rules as defined in Title 5, chapter 375, subchapter
2-A. Beginning with the November 2006 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

2 in the Public Comment Publication Fund established under Title 5,
3 section 90-D.

4 **Sec. 3. 5 MRSA §90-D** is enacted to read:

6 **§90-D. Public Comment Publication Fund**

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

20 **Sec. 4. Appropriations and allocations.** The following
21 appropriations and allocations are made.

22 **SECRETARY OF STATE, DEPARTMENT OF THE**

24 **Bureau of Administrative Services**
25 **and Corporations 0692**

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

30 OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
32 All Other	\$500	\$500
34 OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

36 **SUMMARY**

38 This bill requires the Office of Fiscal and Program Review
40 to prepare a fiscal estimate of each constitutional resolution or
41 statewide referendum on state revenues, appropriations and
42 allocations and to publish that estimate with the explanatory
43 statement that is already required. The bill requires the
44 Secretary of State to adopt rules regarding the publication of
45 public comment by proponents and opponents of constitutional
46 resolutions or statewide referenda and establishes a fee of \$500
47 for having public comments published. It also establishes a
48 dedicated fund in the Department of the Secretary of State
49 consisting of revenue from the \$500 fees and requires that the
50 fund be used for the purpose of publishing the informational

2 pamphlet including the public comment, explanatory statement and
fiscal estimate. The bill specifies that any unspent balance in
4 excess of \$5,000 as of December 1st each year must be transferred
to the General Fund.