

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1522

S.P. 545

March 20, 2007

An Act To Modify the Citizen Initiative Process

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

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TURNER of Cumberland.
Cosponsored by Representative FISCHER of Presque Isle and Senators: MILLS of Somerset, ROTUNDO of Androscoggin, Representatives: CAIN of Orono, GILES of Belfast, MILLETT of Waterford, MILLS of Farmington, ROBINSON of Raymond.

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

2 **Sec. 1. 21-A MRSA §901, sub-§3-A**, as amended by PL 1997, c. 581, §3, is
3 further amended to read:

4 **3-A. Review for proper form.** The Secretary of State shall review the proposed law
5 for a direct initiative of legislation within 10 business days after receipt of the application
6 and either reject the application or provide a first revised draft of the initiative legislation
7 to the applicant within that time. The Secretary of State may reject the application if the
8 Secretary of State determines that the proposed law:

- 9 A. Does not conform to the form prescribed by the Secretary of State; or
- 10 B. Does not conform to the essential aspects of the drafting conventions established
11 for the Maine Revised Statutes. The drafting conventions include but are not limited
12 to:
- 13 (1) Correct allocation to the statutes and correct integration with existing
14 statutes;
- 15 (2) Bill titles and statute section headnotes that objectively reflect the content of
16 the bill, section or sections to which they apply;
- 17 (3) Conformity to the statutory numbering system; and
- 18 (4) Ensuring that bills enacting statutes do not contain provisions that describe
19 intent or make testimonial statements without creating a legal requirement or
20 duty.

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

24 The Secretary of State shall request assistance from the Office of Fiscal and Program
25 Review in determining whether the proposed law will have a fiscal impact. The Office of
26 Fiscal and Program Review shall prepare an estimate of the fiscal impact of the proposed
27 law on state revenues, appropriations and allocations. The fiscal impact estimate must
28 summarize the aggregate impact that the proposed law will have on the General Fund, the
29 Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to
30 local units of government. If the Office of Fiscal and Program Review determines that
31 the proposed law has a cost other than the cost associated with conducting a referendum
32 on the proposed law, the applicant shall indicate in a subsequent draft of the legislation
33 submitted to the Secretary of State how the cost of the proposed law will be funded.

34 The applicant shall submit each subsequent draft of the legislation to the Secretary of
35 State for review following the same process. The Secretary of State shall review each
36 subsequent draft from the applicant and provide a revised draft or written response
37 suggesting how the proposed law may be modified to conform with the requirements of
38 this section within 10 business days. Before the ballot question is drafted by the
39 Secretary of State, written consent to the final language of the proposed law must be
40 given by the applicant.

