

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1730

S.P. 662

In Senate, January 7, 2010

### **An Act To Strengthen the Ballot Initiative Process**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 NUTTING of Androscoggin.  
Cosponsored by Senator CRAVEN of Androscoggin, Representative DOSTIE of Sabattus and Representatives: BERRY of Bowdoinham, CAREY of Lewiston, HASKELL of Portland, HAYES of Buckfield, MARTIN of Eagle Lake, Speaker PINGREE of North Haven, TREAT of Hallowell, VAN WIE of New Gloucester.

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

2 **Sec. 1. 21-A MRSA §904**, as repealed and replaced by PL 2007, c. 455, §53, is  
3 repealed.

4 **Sec. 2. 21-A MRSA §904-C** is enacted to read:

5 **§904-C. Payment for signature gathering; registration**

6 **1. Registration of person receiving compensation.** A person who will receive  
7 compensation for supervising, managing or otherwise organizing an effort to obtain  
8 signatures for an initiative or referendum petition shall register with the Secretary of State  
9 before any signatures are obtained for the petition.

10 **2. Registration of person providing compensation.** A person who will  
11 compensate a person for supervising, managing or otherwise organizing an effort to  
12 obtain signatures for an initiative or referendum petition shall register with the Secretary  
13 of State before any signatures are obtained for the petition.

14 **3. Registration form.** The Secretary of State shall determine the form and content  
15 of the registrations required under this section. The Secretary of State is authorized to  
16 adopt rules to implement this subsection. Rules adopted pursuant to this subsection are  
17 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **4. Violation and penalty for failing to register.** A person who violates subsection  
19 1 or 2 commits a Class E crime for which the penalty must include a fine of \$1,000. If  
20 the violation is committed by an organization, the penalty must include a fine of \$10,000.  
21 A penalty under this subsection may not be suspended. All fines imposed for a violation  
22 of this section must be paid to the Maine Clean Election Fund established in section 1124.

23 **Sec. 3. 21-A MRSA §904-D** is enacted to read:

24 **§904-D. Violations and penalties**

25 **1. Violation.** A person commits a Class E crime if that person:

26 **A.** Circulates an initiative or referendum petition and swears that a signature is that  
27 of a person whose name it purports to be when the circulator knows that the signature  
28 is not that of the person;

29 **B.** Is authorized by law to administer oaths and willfully and falsely acknowledges  
30 the oath of a circulator of an initiative or referendum petition when that oath was not  
31 made in the presence of that person;

32 **C.** Knowingly signs an initiative or referendum petition with a name other than the  
33 person's own name;

34 **D.** Knowingly signs the person's name more than once on initiative or referendum  
35 petitions for the same measure;

1 E. Circulates an initiative or referendum petition and knowingly swears that a  
2 signature to the petition was made in the circulator's presence when it was not; or

3 F. Circulates an initiative or referendum petition and has a conviction for forgery  
4 pursuant to Title 17-A, chapter 29 or a conviction for fraud pursuant to Title 17-A,  
5 chapter 37 in the 5 years prior to the circulation.

6 **2. Penalties.** A person who violates this section commits a Class E crime for which  
7 the penalty must include a fine of \$1,000. A penalty under this subsection may not be  
8 suspended.

9 **Sec. 4. 21-A MRSA §1124, sub-§2, ¶G,** as enacted by IB 1995, c. 1, §17, is  
10 amended to read:

11 G. Voluntary donations made directly to the fund; and

12 **Sec. 5. 21-A MRSA §1124, sub-§2, ¶H,** as enacted by IB 1995, c. 1, §17, is  
13 amended to read:

14 H. Fines collected under section 1020-A, subsection 4 4-A and section 1127-; and

15 **Sec. 6. 21-A MRSA §1124, sub-§2, ¶I** is enacted to read:

16 I. Fines collected under section 904-C.

17 **SUMMARY**

18 This bill repeals the Maine Revised Statutes, Title 21-A, section 904 and enacts a  
19 new section 904-C to conform with technical drafting standards. It requires that the  
20 penalties for violating this section include a mandatory \$1,000 fine that may not be  
21 suspended. It also prohibits a person who has been convicted of fraud or forgery in the  
22 last 5 years from circulating a petition. The bill requires that a person or entity receiving  
23 compensation for collecting signatures on a petition or a person or entity compensating  
24 another person for collecting signatures on a petition shall register with the Secretary of  
25 State. Failing to register is a Class E crime that includes a mandatory fine of \$1,000 for  
26 an individual and \$10,000 for a company. Funds generated by the fines for failing to  
27 register must be paid to the Maine Clean Election Fund.