

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 167

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H.P. 125

House of Representatives, January 27, 2015

### **An Act To Prohibit a Municipality from Holding a Referendum To Legalize the Recreational Use of Marijuana**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CAMPBELL of Newfield.  
Cosponsored by Senator COLLINS of York and  
Representatives: HOGAN of Old Orchard Beach, KINNEY of Limington, MASTRACCIO of  
Sanford, SAUCIER of Presque Isle, SHORT of Pittsfield, Senators: CUSHING of Penobscot,  
VOLK of Cumberland, WOODSOME of York.

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

2               **Sec. 1. 30-A MRSA §2522**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
3       §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
4       amended to read:

5       **§2522. Petition for article in warrant**

6               On the written petition of a number of voters equal to at least 10% of the number of  
7       votes cast in the town at the last gubernatorial election, but in no case less than 10, the  
8       municipal officers shall either insert a particular article in the next warrant issued or shall  
9       within 60 days call a special town meeting for its consideration. A petition that seeks to  
10      legalize the recreational use of marijuana within a municipality may not be approved for  
11      inclusion in the warrant or considered at a town meeting.

12              **Sec. 2. 30-A MRSA §2528, sub-§5**, as amended by PL 2003, c. 569, §2, is  
13      further amended to read:

14              **5. Referendum questions.** By order of the municipal officers or on the written  
15      petition of a number of voters equal to at least 10% of the number of votes cast in the  
16      town at the last gubernatorial election, but in no case less than 10, the municipal officers  
17      shall have a particular article placed on the next ballot printed or shall call a special town  
18      meeting for its consideration. A petition or order under this subsection is subject to the  
19      filing provisions governing nomination papers under subsection 4.

20              The municipal officers shall hold a public hearing on the subject of the article at least 10  
21      days before the day for voting on the article. At least 7 days before the date set for the  
22      hearing, the municipal officers shall give notice of the public hearing by having a copy of  
23      the proposed article, together with the time and place of hearing, posted in the same  
24      manner required for posting a warrant for a town meeting under section 2523. The  
25      municipal officers shall make a return on the original notice stating the manner of notice  
26      and the time it was given.

27              A. The requirement for public hearing is not a prerequisite to the valid issuance of  
28      any bond, note or other obligation of a municipality authorized to borrow money by  
29      vote under any such particular article.

30              B. If a particular article to be voted on by secret ballot requests an appropriation of  
31      money by the municipality, the article, when printed in the warrant and on the ballot,  
32      must be accompanied by a recommendation of the municipal officers.

33                      (1) If by town meeting vote or charter provision, a budget committee has been  
34                      established to review proposed town expenditures, the recommendations of the  
35                      budget committee shall be printed in addition to those of the municipal officers.

36                      (2) If the action affects the school budget, a recommendation by the school board  
37                      shall be printed in addition to those of the municipal officers and the budget  
38                      committee, if any.

39              C. If the warrant for a town meeting contains only articles for the election of the  
40      moderator and one or more referendum questions to be voted on by secret ballot, the

municipal officers may specify the same voting places as those used by the town for federal, state or county elections.

A petition or order that seeks to legalize the recreational use of marijuana within a municipality may not be approved for inclusion on the ballot or considered at any town meeting.

## SUMMARY

This bill prohibits a municipality from including a referendum question to legalize the recreational use of marijuana on a ballot or in a warrant or considering it at a town meeting.