

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1323

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H.P. 917

House of Representatives, April 4, 2017

### **An Act To Amend the Direct Initiative Signature Gathering Process**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative LUCHINI of Ellsworth.  
Cosponsored by Senator MASON of Androscoggin.

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

2 **Sec. 1. 4 MRSA §955-C, sub-§1, ¶C**, as amended by PL 2005, c. 629, §2, is  
3 further amended to read:

4 C. The notary public is in violation of section 954-A or section 960; ~~or~~

5 **Sec. 2. 4 MRSA §955-C, sub-§1, ¶D**, as enacted by PL 1997, c. 712, §2, is  
6 amended to read:

7 D. The notary public has been convicted of a crime as defined by rules adopted by  
8 the Secretary of State. These rules must provide that a conviction for perjury, false  
9 swearing, bribery, corrupt practices or forgery or related offenses may be a basis for  
10 the Secretary of State to suspend, revoke or refuse to renew the commission of a  
11 notary public. Rules adopted pursuant to this paragraph are routine technical rules as  
12 defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A; or

13 **Sec. 3. 4 MRSA §955-C, sub-§1, ¶E** is enacted to read:

14 E. The notary public has allowed another person to use that notary public's  
15 commission.

16 **Sec. 4. 21-A MRSA §905, sub-§1**, as amended by PL 2009, c. 611, §5, is further  
17 amended to read:

18 **1. Secretary of State.** The Secretary of State shall review all petitions filed in the  
19 Department of the Secretary of State for a people's veto referendum under the  
20 Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under  
21 the Constitution of Maine, Article IV, Part Third, Section 18.

22 The Secretary of State shall determine the validity of the petition and issue a written  
23 decision stating the reasons for the decision within 30 days from the date of filing of a  
24 written petition in the Department of the Secretary of State under the Constitution of  
25 Maine, Article IV, Part Third, Section 17 or 18.

26 The Secretary of State may invalidate a petition if the Secretary of State is unable to  
27 verify the notarization of that petition.

28 **Sec. 5. Secretary of State to establish online reporting system.** The  
29 Secretary of State shall establish an online reporting system for suspected fraudulent  
30 signature gathering practices for direct initiative and people's veto petitions.

31 **SUMMARY**

32 This bill authorizes the Secretary of State to suspend, revoke or refuse to renew the  
33 commission of a notary public who has allowed another person to use that notary public's  
34 commission. It also authorizes the Secretary of State to invalidate a petition for a direct  
35 initiative or people's veto if the Secretary of State is unable to verify the notarization of  
36 that petition. The bill directs the Secretary of State to establish an online reporting

1 system for suspected fraudulent signature gathering practices for direct initiative and  
2 people's veto petitions.