

# MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

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**Legislative Document**

**No. 1241**

S. P. 449

In Senate, March 9, 1955

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Weeks of Cumberland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT to Provide a Uniform Method for the Exercise of the Initiative and Referendum in Municipal Affairs.**

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

R. S., c. 91, §§ 92-A - 92-K, additional. Chapter 91 of the revised statutes is hereby amended by adding thereto 11 new sections to be numbered 92-A to 92-K, inclusive, to read as follows:

**‘Initiative and Referendum.**

**Sec. 92-A. Uniform method.** All cities in the State of Maine shall have an initiative and referendum in regard to all of its municipal affairs, which shall be provided for in the following manner, and this uniform method shall supersede any and all other forms of initiative and referendum adopted by cities prior to the date hereof.

**Sec. 92-B. How invoked.** The submission to the vote of the people of any proposed ordinance, order or resolve, or of any ordinance, order or resolve enacted by a city council and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the city council in the manner hereinafter provided. Any 100 qualified voters of the city may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the city clerk. Whenever requested by 100 such voters, the city clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto and upon its being signed by said 100 voters, the city clerk shall file petition, and shall, during office hours for 30 business days thereafter, keep the same open for signature by qualified voters

of the city, and no such petition shall be signed or presented for signature at any place other than the clerk's office. At the expiration of said 30 days, the city clerk shall declare the petition closed and shall, at the first regular meeting of the city council thereafter, present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to 500 or more, the city council shall immediately take the necessary steps to submit to the voters of the city, the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the city council of the desired ordinance, order or resolve, shall put an end to all proceedings under said petition.

Sec. 92-C. Form of petition. The petition used to originate the initiative or the referendum shall be substantially in the following form:

**Petition to the City Council**

For the submission to the people of the question:

“Shall the proposed ordinance, order or resolve, a copy of which is hereunto attached, be adopted?”

We, the undersigned, under oath, depose and say: That we are duly qualified voters of the City, residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voters of the City at the next regular municipal election (or at a special election).

NAMES:	RESIDENCES:	DATE:
.....	.....	.....
.....	.....	.....
.....	.....	.....

I, the City Clerk of the City, do solemnly affirm that the signatures appended hereto are the signatures of the persons whose names they purport to be.

Date .....  
.....  
City Clerk

Sec. 92-D. Effect of referendum petition. Whenever there has been originated as aforesaid, a petition for the reference to the people of any ordinance, resolve or order passed by the city council, which ordinance, order or resolve has not yet gone into effect, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

Sec. 92-E. Time of election. Within 10 days after an initiative or referendum petition with the required number of valid signatures is presented by the city clerk, the city council shall set a time for the holding of a special election, at which the proposed or suspended ordinance, resolve or order shall be submitted to the voters of the city, which special election shall be held not less than 30 nor more than 60 days after such presentation; provided, that if a petition shall be so presented within 4 months next preceding a regular municipal election, no

special election shall be called, but the question shall be submitted at said regular election.

Sec. 92-F. Publication of ordinance. Whenever any ordinance, order or resolve is required by the provisions of sections 92-A to 92-K, inclusive, to be submitted to the voters of the city at any election, the city council must order one publication of the complete text thereof to be made in one or more newspapers of the city, such publication to be made not less than 10 days nor more than 15 days prior to the election, or in lieu of such publication, the city council may cause the ordinance, order or resolve to be printed and mailed with a sample ballot to each voter at least 5 days prior to the election.

Sec. 92-G. Form of ballot. The ballots used when voting upon such proposed ordinance, order or resolve shall set forth the title thereof in full and state its general nature, and shall contain the words: "For the Ordinance, Order or Resolve" and "Against the Ordinance, Order or Resolve."

Sec. 92-H. Result of election. If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve, shall vote in favor thereof, such ordinance, order or resolve shall take effect 5 days after the declaration of the official canvass of the return of such election.

Sec. 92-I. Conflicting ordinances, orders or resolves. Any number of proposed or referred ordinances, orders or resolves, may be voted upon at the same election. In the event that 2 or more ordinances, orders or resolves may be voted upon at the same election, shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

Sec. 92-J. Order upon the ballot. In the event that 2 or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

Sec. 92-K. Repeal of popular ordinances, orders or resolves enacted by the people. The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election and should such proposition receive a majority of the votes cast thereon at any election such ordinance, order or resolve shall be enacted, repealed or amended accordingly. An ordinance, order or resolve proposed by petition, or adopted by a vote of the people, shall not be repealed or amended except by a vote of the people, unless such ordinance, order or resolve shall otherwise expressly provide.