

## CHAPTER 11

### ACTS, RESOLVES AND CONSTITUTIONAL AMENDMENTS

#### SUBCHAPTER 1

##### ACTS AND RESOLVES

###### **§301. Notice of approval of public Acts**

When a public Act is approved by the Governor, the Secretary of State shall give written notice thereof to the presiding officers of the Senate and House of Representatives, describing it by its title, and the date of its approval, which shall be entered on the journal of each House.

###### **§302. Construction and effect of repealing and amending Acts**

The repeal of an Act, resolve or municipal ordinance passed after the 4th day of March, 1870 does not revive any statute or ordinance in force before the Act, resolve or ordinance took effect. The repeal or amendment of an Act or ordinance does not affect any punishment, penalty or forfeiture incurred before the repeal or amendment takes effect, or any action or proceeding pending at the time of the repeal or amendment, for an offense committed or for recovery of a penalty or forfeiture incurred under the Act or ordinance repealed or amended. Actions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby. For the purposes of this section, a proceeding shall include but not be limited to petitions or applications for licenses or permits required by law at the time of their filing. For the purposes of this section and regardless of any other action taken by the reviewing authority, an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before. For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law. [PL 1987, c. 766, §1 (AMD).]

###### SECTION HISTORY

PL 1967, c. 10 (AMD). PL 1973, c. 146 (RPR). PL 1987, c. 766, §1 (AMD).

#### SUBCHAPTER 2

##### CONSTITUTIONAL AMENDMENTS

###### **§351. Effective date**

Unless otherwise provided in the resolution submitting it, every constitutional amendment shall take effect and become part of the Constitution, on the first Wednesday of January following its adoption by the people. [PL 1973, c. 625, §2 (AMD).]

###### SECTION HISTORY

PL 1973, c. 625, §2 (AMD).

###### **§352. Proclamation and publication**

Within 30 days after it appears that a constitutional amendment has been adopted, the Governor shall make proclamation thereof, and the Secretary of State shall forthwith cause such proclamation to be published in the state paper, and it shall be included in the next volume of Acts and resolves.

**§353. Explanation of proposed amendments and statewide referenda**

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement that must fairly describe the intent and content and what a "yes" vote favors and a "no" vote opposes for each direct initiative, bond issue, constitutional resolution or statewide referendum that may be presented to the people. The Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact on state revenues, appropriations and allocations of each measure that may appear on the ballot, within the following time frames: for a direct initiative, within 15 business days after the applicant has given consent to the Secretary of State for the final language of the proposed law; and for a statewide referendum, bond issue or constitutional resolution, within 30 days after adjournment of the legislative session in which the measure was passed. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution, statewide referendum, direct initiative or bond issue will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to local units of government. [PL 2011, c. 342, §1 (AMD).]

**SECTION HISTORY**

PL 1973, c. 625, §3 (AMD). PL 1979, c. 534, §1 (AMD). PL 1979, c. 541, §A2 (AMD). PL 1979, c. 663, §1 (AMD). PL 1991, c. 837, §A1 (AMD). PL 2005, c. 316, §1 (AMD). PL 2007, c. 695, Pt. A, §2 (AMD). PL 2009, c. 341, §1 (AMD). PL 2009, c. 462, Pt. D, §1 (AMD). PL 2009, c. 538, §1 (AMD). PL 2011, c. 342, §1 (AMD).

**§354. Public comment on proposed amendments and statewide referenda; rules; fees**

The Secretary of State shall adopt rules regarding the publication of public comment by proponents and opponents of direct initiatives, bond issues, constitutional resolutions or statewide referenda. These rules must include, but are not limited to, a word limit, the labeling of public comment as supporting or opposing a measure and the identification of the person or persons responsible for the comment. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning with the November 2006 election and every election thereafter, the Secretary of State shall publish the public comment, along with the explanatory statement and fiscal estimate required under section 353, on a publicly accessible site on the Internet and in pamphlets distributed to the municipalities of the State. A person filing a public comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected pursuant to this section must be deposited in the Public Comment Publication Fund established under Title 5, section 90-D. [PL 2011, c. 342, §2 (AMD).]

**SECTION HISTORY**

PL 2005, c. 316, §2 (NEW). PL 2011, c. 342, §2 (AMD).

**SUBCHAPTER 3**

**REVISED STATUTES**

**§361. Positive law**

The Legislature declares that the Maine Revised Statutes and the Maine Revised Statutes Annotated are identical as to the text of the law. Since the text of the revision has been enacted by the Legislature, it is positive law. [PL 1965, c. 425, §1 (NEW).]

**SECTION HISTORY**

PL 1965, c. 425, §1 (NEW).

**§362. Supplements as part of Revised Statutes**

The laws contained in any current pocket parts or supplements to the Revised Statutes, printed and published hereafter under contract or otherwise as may be authorized by law, shall constitute, prima facie, a part of the Revised Statutes if such laws, as so contained, purport to represent reproduction of statutory amendments of the Revised Statutes, as stated in accompanying notes thereto and are so certified by the Secretary of State. If any such pocket parts or supplements are printed and published on a cumulative basis, then only such laws contained in the latest publication thereof shall constitute, prima facie, a part of the Revised Statutes. [PL 1965, c. 425, §1 (NEW).]

**SECTION HISTORY**

PL 1965, c. 425, §1 (NEW).

**§363. Secretary of State**

To entitle any copy of a law published in the Revised Statutes of 1964 to be read in evidence, there must be contained in the same book a printed certificate of the Secretary of State that the copy is a correct transcript of the text of the original laws. A facsimile of the signature of the Secretary of State imprinted by or at the Secretary of State's direction upon the certificate has the same validity as the Secretary of State's written signature. [RR 2023, c. 1, Pt. C, §12 (COR).]

**SECTION HISTORY**

PL 1965, c. 425, §1 (NEW). RR 2023, c. 1, Pt. C, §12 (COR).

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