

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Modify the Citizen Initiative Process**

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

**Sec. 1. 21-A MRSA §901, sub-§3-A**, as amended by PL 2007, c. 234, §1, is further amended to read:

**3-A. Review for proper form.** The Secretary of State shall review the proposed law for a direct initiative of legislation within 10 business days after receipt of the application and either reject the application or provide a first revised draft of the initiative legislation to the applicant within that time. The Secretary of State may reject the application if the Secretary of State determines that the proposed law:

- A. Does not conform to the form prescribed by the Secretary of State; or
- B. Does not conform to the essential aspects of the drafting conventions established for the Maine Revised Statutes. The drafting conventions include but are not limited to:
  - (1) Correct allocation to the statutes and correct integration with existing statutes;
  - (2) Bill titles and statute section headnotes that objectively reflect the content of the bill, section or sections to which they apply;
  - (3) Conformity to the statutory numbering system; and
  - (4) Ensuring that bills enacting statutes do not contain provisions that describe intent or make testimonial statements without creating a legal requirement or duty.

By consent of the applicant the proposed law may be modified to conform with the requirements of this section. The Secretary of State may request assistance from the Revisor of Statutes in reviewing the proposed law.

The Secretary of State shall request assistance from the Office of Fiscal and Program Review to determine whether the proposed law will have a fiscal impact. The Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of the proposed law on state revenues, appropriations and allocations. The fiscal impact estimate must summarize the aggregate impact that the proposed law 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. If the Office of Fiscal and Program Review determines that

the proposed law has a cost other than the cost associated with conducting a referendum on the proposed law, the applicant shall indicate in a subsequent draft of the legislation submitted to the Secretary of State how the cost of the proposed law will be funded.

The applicant shall submit each subsequent draft of the legislation to the Secretary of State for review following the same process. The Secretary of State shall review each subsequent draft from the applicant and provide a revised draft or written response suggesting how the proposed law may be modified to conform with the requirements of this section within 10 business days. The applicant must give written consent to the final language of the proposed law to the Secretary of State before the petition form is designed by the Secretary of State.

**Sec. 2. 21-A MRSA §901, sub-§4**, as amended by PL 2007, c. 234, §2, is further amended to read:

**4. Ballot question.** The ballot question for ana direct initiative or a people's veto referendum must be drafted by the Secretary of State in accordance with section 906 and rules adopted in accordance with the Maine Administrative Procedure Act. The Secretary of State shall provide the ballot question to the applicant for a people's veto referendum within 10 business days after receipt of a properly completed application. If ana direct initiative is filed with the Secretary of State and certified pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 as having a sufficient number of signatures and is not enacted without change by the Legislature at the session at which it is presented, then the Secretary of State shall propose a ballot question to be submitted for public comment as provided in section 905-A. If a direct initiative is determined pursuant to subsection 3-A to have a cost other than the cost associated with conducting a referendum on the direct initiative, the Secretary of State shall include in the ballot question information on the cost of the direct initiative and how that cost will be paid.

**Sec. 3. 21-A MRSA §901, sub-§8** is enacted to read:

**8. Lack of funding.** If a direct initiative is determined pursuant to subsection 3-A to have a cost other than the cost associated with conducting a referendum on the direct initiative and a means of paying for or accounting for the cost is not included in the legislation, then the direct initiative may not be enacted into law until it is funded through the normal legislative process.

## SUMMARY

This bill requires the Secretary of State to request assistance from the Office of Fiscal and Program Review to determine whether a direct initiative will have a fiscal impact. If the Office of Fiscal and Program Review determines that the direct initiative has a cost other than the cost associated with conducting a referendum on the direct initiative, the person who submitted the direct initiative must indicate in a subsequent draft of the direct initiative submitted to the Secretary of State how the cost of the direct initiative will be paid. The bill also requires the Secretary of State to include in the ballot question information on the cost of the direct initiative and how that cost will be paid. The bill also indicates that if a means of paying for or accounting for the cost is not included in the legislation, then the direct initiative may not be enacted into law until it is funded through the normal legislative process.