



127th MAINE LEGISLATURE

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Legislative Document

No. 167

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**

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

A handwritten signature in cursive script that reads "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

