

2007

Researching Initiatives and Referenda: A Guide for Maine

Christine Iaconeta

University of Maine School of Law, christine.iaconeta@maine.edu

Follow this and additional works at: <http://digitalcommons.mainerlaw.maine.edu/faculty-publications>

 Part of the [Legislation Commons](#)

Recommended Citation

26 Legal Ref. Serv. Q. 97 (2007)

This Article is brought to you for free and open access by the Faculty Scholarship at University of Maine School of Law Digital Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of University of Maine School of Law Digital Commons. For more information, please contact mdecrow@maine.edu.

Researching Initiatives and Referenda: A Guide for Maine

Christine I. Hepler

SUMMARY. This article discusses the history of the initiative and referendum processes in Maine, including the steps needed to get an initiative or referendum on the State ballot. Part II of this paper discusses the early history of the initiative and referendum processes in Maine. Part III discusses recent use of initiatives in Maine. Part IV discusses the basics of the initiative and referendum processes in Maine, including a discussion of the differences between the People's Veto and a referendum, both used in Maine as mechanisms for the people to vote on whether a particular piece of legislation should take effect. Part V provides a detailed bibliography of research materials on the Maine initiative and referendum processes. doi:10.1300/J113v26n03_09 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2007 by The Haworth Press. All rights reserved.]

KEYWORDS. Initiative, referendum, People's Veto, Maine, bibliography, citizen's initiative, direct democracy

Christine I. Hepler is Associate Director, Garbrecht Law Library, University of Maine School of Law, 246 Deering Avenue, Portland, ME 04102.

[Haworth co-indexing entry note]: "Researching Initiatives and Referenda: A Guide for Maine." Hepler, Christine I. Co-published simultaneously in *Legal Reference Services Quarterly* (The Haworth Information Press, an imprint of The Haworth Press) Vol. 26, No. 3/4, 2007, pp. 97-112; and: *Exploring Initiative and Referendum Law: Selected State Research Guides* (ed: Beth Williams) The Haworth Information Press, an imprint of The Haworth Press, 2007, pp. 97-112. Single or multiple copies of this article are available for a fee from The Haworth Document Delivery Service [1-800-HAWORTH. 9:00 a.m. - 5:00 p.m. (EST). E-mail address: docdelivery@haworthpress.com].

Available online at <http://lrsq.haworthpress.com>
© 2007 by The Haworth Press. All rights reserved.
doi:10.1300/J113v26n03_09

INTRODUCTION

For over a century, Americans have used the initiative and referendum processes to address issues at all levels of government. In the November 2006 elections a total of 204 ballot propositions went before voters in 37 states.¹ In Maine, there were two initiatives, including one to amend the Maine Constitution to clarify the deadline by which a signature on a petition for an initiative or a People's Veto referendum is valid.²

The initiative and referendum processes have their origins in the belief of government of, by, and for the people. The citizens of New England have a long history of participatory government, and in the colonial times it often took the form of citizens placing proposed ordinances on the agenda of annual town meetings.³ The initiative and referendum movement became more formal after the Revolutionary War when some of the state constitutional conventions suggested voter ratification of the state constitutions.⁴

The initiative and referendum processes we are familiar with today, however, were formed with the Populist/Progressive movement of the 1890s and 1900s. This movement resulted from general dissatisfaction with government and its inability to effectively address the problems of that period.⁵ Dissatisfied citizens needed a vehicle by which they could get their reforms approved while avoiding the state legislatures that were blocking their proposals.⁶ They sought reform through using initiatives and referenda.

This paper will discuss the history of the initiative and referendum processes in Maine, including the steps needed to get an initiative or referendum on the state ballot. Finally, it will conclude with a selected annotated bibliography of Maine resources for more information on this topic.

EARLY HISTORY OF THE INITIATIVE AND REFERENDUM PROCESSES IN MAINE

The nineteenth century was marked by a general dissatisfaction with representative government. As a result, some states began to experiment with the initiative and referendum processes in hopes of remedying governmental abuses.⁷ Maine was no exception. The primary reason the citizens of Maine were dissatisfied with the government was the poor economic status of the state. Many felt that this was the result of low tax rates on timberlands and railroads.⁸ As a result, the citizens of

Maine began to pay attention to what was happening in certain Western States that had adopted some form of direct democracy and were greatly influenced by the experiences of those in Oregon and Oklahoma.⁹

An early champion of the initiative and referendum processes in Maine was Roland T. Patten, a Republican from Skowhegan. He first pushed for his party to adopt the initiative and referendum processes in 1902. Unable to persuade his own party, Patten left the Republicans, became the leader of Maine's Socialist Party, and lobbied all four parties—Republican, Democratic, Socialist and Prohibitionist—to support the initiative and referendum processes.¹⁰

In 1903, Democratic State Representative Cyrus W. Davis of Waterville introduced the first statewide initiative and referendum bill to the state legislature.¹¹ No action was taken on this measure, except for it to be referred to the next legislative session.¹² In the meantime, Patten started the Initiative and Referendum League of Maine, and he allied his new organization with the state Grange and the Federation of Labor. These efforts resulted in growing support for the initiative and referendum processes through all political parties in Maine.¹³ In fact, in 1905 there was enough support for this movement that a resolve providing for initiatives and referenda made it to the final stages of the legislative processes before being defeated.¹⁴

In 1906, Maine's four political parties endorsed the initiative and referendum processes and Cyrus Davis made it a central issue in his Democratic gubernatorial campaign. Although Davis lost this election for governor, there was growing support for the initiative and referendum processes. Indeed, an increasing number of those elected to the State legislature supported the Initiative and Referendum League.

In 1907, popular pressure was so substantial that a resolve was enacted amending the Maine Constitution providing for direct democracy.¹⁵ This was done despite considerable resistance by the Speaker of the House, the President of the Senate, and the Judiciary Committee. The measure was approved by a popular vote of more than two to one, with every county in the state voting in the affirmative.¹⁶ This amendment passed despite opposition from many constituencies, including banks, timberland owners, and railroads. It was not the law the League wanted because it did not allow for amending the state Constitution, but it was a significant start.¹⁷ This amendment added seven new sections to the Maine Constitution, and became effective on January 6, 1909,¹⁸ making Maine the first Eastern State to adopt statewide initiative and referendum legislation.

RECENT USE OF INITIATIVES IN MAINE

Only seven initiatives were on the ballot during the first sixty years of the initiative process, and there were none during the 1950s and 1960s.¹⁹ It was not until 1972, when the Maine voters approved an initiative to change a ballot form to eliminate party columns, did the citizens of Maine re-discover the power of the initiative process. In the 1970s and 1980s, Mainers used the initiative process to deal with energy and environmental issues.²⁰ The two biggest referendum issues during this time were the approval of the 1976 initiative to enact a beverage container deposit bill (commonly referred to as the Bottle Bill)²¹ and the defeat in 1980 and 1982 of initiatives to ban nuclear power.²² More recently, in the early 1990s state lawmakers proposed changes to the initiative process after the passage of a term limits initiative.²³

A total of fifty-five statewide initiatives have been presented to Maine voters since its inception. The Maine State Law and Legislative Reference Library in Augusta has compiled several charts summarizing votes on initiated bills, People's Vetoes, and referenda. They include the year the proposal was made, the bill number, title of the legislation, legislative action on the bill, the form of the ballot question, date of the vote, vote total, citation to the enacted law, and relevant comments.²⁴

**BASICS OF MAINE'S INITIATIVE
AND REFERENDUM PROCESSES*****The Initiative Process***

In state and local politics, the word initiative means "a new law or resolution proposed and placed on the ballot by citizen petition, and enacted directly by popular vote."²⁵ This process is set out in the Maine Constitution, Article IV, Part Third, §§ 16-22. Maine citizens may propose any bill, resolve or resolution, including bills to amend or repeal emergency legislation. However, one cannot use the initiative process to amend the Maine Constitution.²⁶ Initiative proposals must be made to the Legislature by means of a petition, addressed to the Legislature or any separate branch of the Legislature and filed with the Secretary of State on or before the fiftieth day after the start of the first regular Legislative session or on or before the twenty-fifth day after the date of the start of the second regular session.²⁷

The Maine Constitution further provides that the petition must contain the signatures of not less than ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petition and that each signature must be dated and cannot be older than one year from the written date on the petition.²⁸ The measure must then be submitted to the electors with any amended form, substitute, or recommendations from the Legislature, and in a way that the people can choose between the competing measures or reject both.²⁹

When there are competing bills and neither receives a majority, the bill that receives more than one-third of the total votes given may be submitted by itself at the next statewide election to be held not less than sixty days after the first vote.³⁰ If an initiated measure is enacted by the Legislature without change, it shall not go to a referendum vote unless that vote is the result of a People's Veto and in accordance with the procedures set out in that section of the Maine Constitution.³¹ The Legislature may order a special election on any measure that is subject to a vote of the people.³²

To have an initiative placed on the ballot, a voter must first submit a written application to the Secretary of State on a form designed by that department.³³ The completed application must contain the names, addresses and signatures of five Maine registered voters, in addition to the applicant, who are designated to receive any notices related to the processing of the application.³⁴ The voter submitting the application must sign it in the presence of the Secretary of State, the Secretary of State's designee, or a notary public.³⁵ The application must contain the full text of the proposed law.³⁶

The Secretary of State must review the application and determine the form of the petition to be submitted to the voters. The date the approved petition is provided to the applicant is the date of issuance for purposes of determining the validity of the signatures on the petition.³⁷ As previously mentioned, the voters in the November 2006 election approved an amendment to the Maine Constitution that is intended to clarify the deadline by which a signature on a petition is valid. The petition needs to be filed with the Secretary of State no later than eighteen months after the date the petition was furnished or approved by the Secretary of State. For a signature to be valid it cannot be older than one year at the time the petition is filed with the Secretary of State. This one-year requirement was in the Maine Constitution. This amendment clarifies that the one-year period runs from the date the petition is filed with the Secretary of State.³⁸ This amendment passed by a vote of 270,922 to 229,749.³⁹

The Secretary of State must review the application within ten business days and either reject it, accept it as submitted, or accept it and provide a

revised draft of the proposal to the applicant.⁴⁰ The Secretary of State can reject an application for only two reasons: (1) if it does not conform to the form required by the Secretary of State or (2) if it does not conform to the drafting requirements laid out in the Maine Revised Statutes.⁴¹ If the Secretary of State rejects an application, he must provide a written statement of the reasons the application was rejected.⁴²

If the applicant chooses to revise a proposal, he must submit each revision to the Secretary of State according to the rules previously stated and the Secretary of State must review it accordingly.⁴³ In addition, the Secretary of State must provide a revised draft or written response suggesting how the proposed law may be modified to conform to the statutory requirements.⁴⁴ Written consent from the applicant must be provided to the Secretary of State before the ballot question is drafted.⁴⁵

After the Secretary of State has provided the ballot question to the applicant, the Elections Division will provide an approved petition form to be circulated by the petitioners. The proponents must print or duplicate additional petition forms as needed, in the exact format provided by the Secretary of State.⁴⁶ According to the Secretary of State's Web site, the petition form must be printed on paper no larger than 11 × 17 inches. The ballot question and title must be conspicuously placed on the face of the petition, and it must include the text of the legislation, instructions for petitioners, common reasons signatures are rejected, the circulator's verification, and the certification of the Registrar.⁴⁷

The date the approved form of the petition is provided to the applicant is the date of issuance. The petition may be circulated for one year from the date of issuance. Any registered Maine voter may circulate petitions.⁴⁸ In addition, the ballot question must be displayed on the face of the petition and a concise summary of the proposed law drafted by the Maine Revisor of Statutes must be attached to the petition.⁴⁹

Once the signatures are collected, they must be submitted to the appropriate city, town, or municipal officials for counting and verification, ten days before the petition is due by the Secretary of State. These officials must return the petition to the proponents five days before they are due to the Secretary of State.⁵⁰

The People's Veto Referendum Process

In Maine, there are two mechanisms that provide for the people to vote on whether a particular piece of legislation should take effect: a People's Veto and a referendum. A People's Veto "is the procedure

established in the Maine Constitution where the people can petition for a REFERENDUM on the question of whether legislation passed by the Legislature but not yet in effect should take effect.”⁵¹ In Maine, a referendum is defined as a “popular vote on proposals that may be initiated by the people or by the Legislature. Referenda may be binding or advisory, statewide or restricted to a lower level of government.”⁵² By definition, a referendum can be one initiated by the people, also known as a People’s Veto, or by the Legislature. When initiated by the Legislature, there is a requirement in the legislation that it go to a vote of the people before it is enacted. This paper will focus on the procedures of the People’s Veto and will use the terms referendum and People’s Veto to refer to only the People’s Veto and not to a legislative referendum.

The process for the People’s Veto Referendum are contained in Article IV, Part Third, §§ 17, 19, 20, and 22 of the Maine Constitution and Title 21-A, §§ 901 et seq. regarding ballots. Upon written petition addressed to the Governor, any act, bill, resolve, or resolution passed by the Legislature, can be referred to the voters for approval before it will take effect.⁵³ Any legislation specified in a petition for a referendum shall be suspended when the petition is filed. If the petition is invalid, the legislation will take effect the day after it was determined that the petition was invalid.⁵⁴ As soon as this suspension takes place, the Governor is required to notify the public that a vote on the referendum is to take place at the next statewide or general election, the date of which cannot be less than sixty days after the petition is filed. If the Governor fails to provide this notice, the Secretary of State is authorized to do so.⁵⁵

To initiate this process, a voter must submit a written application to the Secretary of State.⁵⁶ The Secretary of State determines the form of this application.⁵⁷ Unlike with an application for a direct initiative where the state specifically requires the full text of the initiative to be included in the application, the statute says nothing about whether the application must contain the full text of the referendum.⁵⁸ However, in the procedures set forth on the Secretary of State’s Web site for a referendum, it states that “**(t)he application must contain either the full text of or a reference to the public law to be vetoed.**”⁵⁹ Furthermore, the completed application must contain the names, addresses and signatures of five Maine registered voters, in addition to the applicant, who are designated to receive any notices related to the processing of the application.⁶⁰ The voter submitting the application must sign it in the presence of the presence of the Secretary of State, the Secretary of State’s designee or a notary public.⁶¹ An application for a referendum

petition must be filed with the Secretary of State within ten business days after adjournment of the legislative session at which the act in question was passed.⁶² The Secretary of State has ten days to review the application and either reject it or accept it and provide the ballot question.⁶³

Once the Secretary of State accepts the application and provides the applicant with the ballot question, the Department of Elections will provide the applicant with an approved petition form to be circulated.⁶⁴ For a referendum to be put on the ballot, the proponents of the referendum must collect signatures equaling ten percent of the total votes cast in the last gubernatorial election, the same requirement as with the initiative process. The deadline, however, is different. The petition for a referendum must be filed within ninety days after adjournment of the legislative session at which the Act was passed.⁶⁵ Once the signatures have been collected, the petitions need to be submitted to the proper city, town, or municipal official for verification. These officials must return the petitions within two days.⁶⁶

RESEARCH TOOLS

Almanacs and Encyclopedias

Waters, M. Dane, *Initiative and Referendum Almanac* (Carolina Academic Press, 2003).

This comprehensive resource includes a detailed history of the initiative and referendum processes in the United States, as well as a state-by-state comparison of statewide initiative processes, and the use of the initiative and referendum in American cities. It was written by Dane Waters, the founder of the Initiative and Referendum Institute at the University of Southern California. This resource also includes a state-by-state description of the initiative and referendum processes for each state, including Maine. In the Maine section, there is (1) a brief summary of the history of the initiative and referendum processes in Maine; (2) the governing Constitutional provisions and statutes; and (3) a step-by-step description of how to complete the initiative and referendum processes in Maine. In addition, there are charts of the usage of the statewide initiative in Maine and a detailed chart summarizing the votes of all statewide initiatives from 1911-2000. This is an excellent resource for information about the use of initiatives and referenda in the United States as well as for the processes in the State of Maine.

American Jurisprudence and Corpus Juris Secundum.

Maine does not have its own state legal encyclopedia. As such, a researcher must rely on *American Jurisprudence* and *Corpus Juris Secundum* for background information on the initiative and referendum processes. Although national in scope, these resources are helpful as references to applicable key numbers from the West Key Number Digest system, which then can be used in the *Maine Key Number Digest*. Am. Jur. and C.J.S. also provide references to applicable A.L.R. sections, the A.L.R. Index, Am. Jur. Legal forms, and Maine cases on point.

Applicable Sections from American Jurisprudence include:

- Adoption and Amendment of Constitutions §§ 10-39,
- Elections § 10,
- Initiative and Referendum §§ 1-53,
- State and Local Taxation § 46, and
- Zoning & Planning §§ 53 and 55.

Applicable Sections from Corpus Juris Secundum include:

- Constitutional Law § 261,
- Counties § 147,
- Municipal Corporations § 1005, and
- Statutes §§ 108-144.

Annotated Code

The statutes governing the Maine initiative and referendum processes are found in West's *Maine Revised Statutes Annotated*. In addition to the text of the statutes, the *Maine Revised Statutes Annotated* contains notes of decisions (cases that show how the statute has been interpreted by the courts), cross references to other applicable statutes, references to the West Key Numbers for this area of law, references to other secondary sources on point, such as *Corpus Juris Secundum* and law review articles, and references to legislative history material.

The Maine Revised Statutes are available online at <http://janus.state.me.us/legis/statutes/>. The online statutes are not annotated, but they do provide references to legislative history material. The Maine Constitution is available online at <http://janus.state.me.us/legis/const/>, but it is not annotated.

Digests

The two digests indexing Maine cases are the *Maine Key Number Digest* and the *Atlantic Digest*, both published by West. They provide a subject arrangement index to published Maine cases. The terms “initiative” and “referendum” are indexed separately in the Descriptive Word Index for each digest. The most extensive treatment of initiative and referendum are as sub-topics under the main topic “Statutes,” key numbers 301-327 for initiatives and key numbers 341-367 for referenda.

Periodicals and Periodical Literature

Maine newspapers are a helpful historical resource for researching a specific initiative or referendum. There are two electronic databases that index Maine newspapers.

First, Maine Newsstand provides access to full-text articles from Maine’s five major newspapers: the *Bangor Daily News*, the *Kennebec Journal*, the *Morning Sentinel*, the *Portland Press Herald* and the *Lewiston Sun Journal*. It is available through Marvel, Maine’s Virtual Library⁶⁷ and through Mariner.⁶⁸ Maine Newsstand only contains articles back to the early 1990s.

Second, the Maine News Index consists of an index of Maine newspapers back to 1945, and it is maintained by the library staff at the Portland Public Library.⁶⁹ Unlike the Maine Newsstand which contains full-text articles, this database only provides abstracts of the articles.

SELECTED LEGISLATIVE HISTORY MATERIAL

Legislative Reports

A search of the URSUS catalog provides citations to several reports from the Maine Legislature regarding the initiative and referendum processes in Maine as well as several reports on initiatives and referenda voted on by Maine citizens.

Compiled Legislative History

The library staff at the Maine State Law and Legislative Reference Library in Augusta has compiled three legislative histories regarding the initiative and referendum processes. One copy of these legislative

histories is for use in the library. There are additional copies which may be borrowed by any Maine resident or by nonresidents through Interlibrary Loan.⁷⁰ They are:

- *Citizen Initiated Legislation* (Updated 12/2006)
- *Maine's Constitutional Provisions for the Citizen Initiative and People's Veto*
- *Maine's Statutory Provisions for the Citizen Initiative and People's Veto*

MAINE INTERNET RESOURCES

Maine Secretary of State Bureau of Corporations, Elections and Commissions, at <http://www.maine.gov/sos/cec/elec/>.

This is the primary internet resource for information on Maine elections, including initiatives and referenda. The Elections Division supervises and administers all elections of federal, state, and county offices and referenda, and in that capacity advises election officials from municipalities, candidates, and the general public regarding election laws and procedures. In addition, the Elections Division prepares, proofreads, and distributes ballots and elections materials; tabulates official elections results; supervises recounts in contested races; and oversees the application of state laws pertaining to candidate and citizen initiative petitions.

From the index page, a researcher can access information regarding upcoming elections, voter registration, and election results. The Election Results page provides access to results back to 1992. This includes not only results from the general elections but also results from initiative votes. Most importantly, the link for the Citizen's Initiatives and People's Vetoes provides detailed information on the process needed to get an initiative on the ballot, initiative deadlines, a list of ballot questions, and a list of proponents of the initiatives.

Maine State Law and Legislative Reference Library listing of votes on People's Vetoes, at <http://www.maine.gov/legis/lawlib/peoplesveto.htm>.

This is a comprehensive list of all People's Vetoes put before Maine citizens since the inception of the process compiled by the Reference Staff at the Maine State Law and Legislative Reference Library. The information compiled includes the year the suspended legislation

was enacted, title of the legislation, disposition of the legislation, the ballot question, date of the vote, and vote totals for both yes and no votes.

Maine State Law and Legislative Reference Library listing of votes on Initiated Bills, at <http://www.maine.gov/legis/lawlib/inivot.htm>.

This is a comprehensive list of all initiatives put before Maine citizens since the inception of the process compiled by the Reference Staff at the Maine State Law and Legislative Reference Library. The information compiled includes the year the initiative was proposed, the bill number, title of the legislation, the ballot question, date of the vote, vote totals, citation to the chartered law, and comments.

Maine State Law and Legislative Reference Library listing of votes on Referenda, at <http://www.maine.gov/legis/lawlib/refvot.htm>.

This is a comprehensive list of all the referenda put before Maine citizens since the inception of the process compiled by the Reference Staff at the Maine State Law and Legislative Reference Library. The information compiled includes the year the bill was enacted, the bill number, title of the legislation, legislative action, citation of the enacted law, form of the ballot question, date of the vote, and vote totals.

SELECT ANNOTATED MAINE BIBLIOGRAPHY

Edward E. Chase, *A History of the Operation of the Initiative and Referendum in Maine from 1907-1951* (unpublished ms., 1952) (copy available at the Maine State Law and Legislative Reference Library).

This paper briefly lays out the history of the initiative and referendum processes in Maine from 1907-1951. The author's stated purpose is to review the use of initiatives and referenda in Maine and provides conclusions based on that use.⁷¹ It starts with a section on the adoption of the processes in the state, and then provides detailed information on the first uses of the referendum in the state, including a discussion of a proposal to divide the town of York, Maine, an act to set a uniform standard for the alcohol level of beer, and an act to restore the Portland Bridge. This is followed by a discussion about the Direct Primary bill, the first use of the initiative in Maine, as well as by a discussion of subsequent uses of both the initiative and referendum processes. The author concludes with several broad

generalizations.⁷² This paper is unpublished, but it is available at the Maine State Law and Legislative Reference Library in Augusta.

Kenneth Wade Fredette, *The Initiative and Referendum Process: The Maine Experience* (unpublished J. D. Independent Writing Project, U. of Maine School of Law, 1993) (copy available at the Donald L. Garbrecht Law Library, U. of Maine School of Law).

This student paper provides a history and description of the initiative and referendum processes in Maine and a discussion of the issues related to both. In addition, the author argues for citizen-initiated constitutional amendments. It contains a detailed discussion of the resolution proposed during the First Regular Session of the 116th Maine Legislature calling for an amendment to the Maine Constitution, allowing for citizens to initiate amendments to the Constitution. The paper suggests that this proposal would have been supported if additional safeguards were put in place.

Lawrence Lee Pellitier, *The Initiative and Referendum in Maine* (Bowdoin College, 1951).

This book provides a detailed history of the early uses of initiative and referenda in Maine. It starts with a detailed description of the wrangling needed to pass the 1907 Constitutional Amendment allowing for initiatives and referenda. It continues with a section on those opposing and supporting these processes. There are separate sections describing the steps needed to get an initiative or referendum on the ballot, though these steps are now outdated. This article also provides valuable information on the early usage of initiatives and referenda in Maine. Finally, there are three appendices that provide information on measures submitted to the voters from 1910-1951, votes on initiated statutes, referenda and Constitutional Amendments from the same time period, and popular vote totals on measures presented at general and special elections.

Marshall J. Tinkle, *The Maine State Constitution: A Reference Guide* (Greenwood Press, 1992).

As stated in the title, this is a reference guide for the Maine Constitution. It starts with the history of the Maine Constitution and continues with a separate discussion of each section of the Constitution. The discussion of Article IV, Part Third of the Maine Constitution begins on page seventy-four.⁷³ The sections pertaining to the initiative and referendum processes begin on page eighty-seven. The author provides

the text of the Constitution as they existed at the time of publication and provides comments and citations to cases that interpret these sections. It should be noted that this book was written in 1992 and has not been updated. Accordingly, some of the material is out of date.

NOTES

1. *Fall Ballot Measures*, 2006 Ballotwatch, 1 (Nov. 1, 2006), [http://www.iandrinstitute.org/BW%202006-3%20\(November%20update\).pdf](http://www.iandrinstitute.org/BW%202006-3%20(November%20update).pdf).

2. Me. L. D. 2033, 122nd Leg., 2nd Sess. (Feb. 28, 2006) (hereinafter referred to as LD 2033).

3. David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution*, 4 (Temple University Press, 1989).

4. *Id.*

5. M. Dane Waters, *Initiative and Referendum Almanac*, 3 (Carolina Academic Press, 2003).

6. *Id.*

7. Lawrence Lee Pellitier, *The Initiative and Referendum In Maine*, 7 (Bowdoin College, 1951).

8. J. William Black, *Maine's Experience With The Initiative and Referendum*, 43 *The Annals* 161-163 (1912).

9. *Id.* at 161.

10. *Id.* at 164.

11. *Id.* at 163-164.

12. Pellitier, *supra* n. 6 at 8.

13. Waters, *supra* n. 5 at 205.

14. Pellitier, *supra* n. 6 at 8.

15. *Id.* at 8-9.

16. *Id.* at 9.

17. Waters, *supra* n. 5 at 205.

18. Me. Const. art. IV, pt. 3, §§ 16-22. A comprehensive legislative history of this law, entitled *Maine's Constitutional Provisions for the Citizen Initiative and People's Veto* is available at the Maine State Law and Legislative Reference Library in Augusta. The library staff has also compiled a legislative history for the statutory provisions for the initiative and referendum processes, entitled *Maine's Statutory Provisions for the Citizen Initiative and People's Veto*.

19. Waters, *supra* n. 5, at 205.

20. *Id.*

21. This was an initiative to allow deposits on beverage containers to encourage recycling. Compiled legislative histories of the Maine Bottle Bill and the Maine Bottle Bill Update are available at the Maine State Law and Legislative Reference Library in Augusta.

22. Waters, *supra* n. 5, at 205.

23. *Id.* at 206.

24. There are three separate pages on the Maine State Law and Legislative Reference Library's Web site that provide voter information on initiatives, People's Vetoes and referenda. They are as follows: *People's Vetoes 1909-online* at <http://www>.

state.me.us/legis/lawlib/peoplesveto.htm; *Votes on Initiated Bills 1910-*, online at <http://www.state.me.us/legis/lawlib/inivot.htm>; and *Votes on Referenda on Acts of the Maine Legislature 1910-*, available online at <http://www.state.me.us/legis/lawlib/refvot.htm>.

25. Schmidt, *supra* n. 3, at 3.

26. Me. Const. art. IV, pt. 3, § 18(1).

27. *Id.*

28. Me. Const. art. IV, pt. 3, § 18(2).

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. 21-A Me. Rev. Stat. Ann. Sec. 901 (pamph. 2006). A printable version of this application is available on the Secretary of State's website at <http://www.maine.gov/sos/cec/elec/initapp.pdf>.

34. Me. Const. art. IV, pt. 3 § 18.

35. *Id.*

36. 21-A Me. Rev. Stat. Ann. § 901 (pamph. 2006).

37. *Id.*

38. See Me. Dept. of Sec. of State, *Maine Citizen's Guide to the Referendum Elections* for an explanation of this initiative, online at <http://www.maine.gov/sos/cec/elec/2006/intent06.html>.

39. Me. Dept. of Sec. of State, *General Election Tabulations: Referendum Questions*, online at <http://www.maine.gov/sos/cec/elec/2006g/ref06.html>.

40. 21-A Me. Rev. Stat. Ann. § 901 (3-A) (pamph. 2006).

41. See 21-A Me. Rev. Stat. Ann. § 901(3-A)(B) (pamph. 2006). 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.

42. 21-A Me. Rev. Stat. Ann. § 901 (6) (pamph. 2006).

43. Me. Rev. Stat. Ann. § 901 (3-A) (pamph. 2006).

44. *Id.*

45. *Id.*

46. 21-A Me. Rev. Stat. Ann. § 901 (3-B) (pamph. 2006).

47. Me. Sec. of State, *Citizen Initiative Application Packet*, ¶ 6 available online at <http://www.maine.gov/sos/cec/elec/initpak.htm>.

48. *Id.*

49. 21-A Me. Rev. Stat. Ann. §§ 901(4) & (5) (pamph. 2006). See also Me. Const. art. IV, pt. 3 § 20.

50. Me. Const. art. IV, pt. 3 § 20.

51. Me. Office of Policy and Legal Analysis, *Legislators' Handbook*, 123 (2004), available online at <http://www.state.me.us/legis/opla/leghand04.pdf>. (Emphasis in the original).

52. *Id.* at 125.

53. Me. Const. art. IV, pt. 3, § 17.

54. Me. Const. art. IV pt. 3 § 17(2).

55. Me. Const. art. IV pt. 3 § 17(3).
56. 21-A Me. Rev. Stat. Ann. § 901 (pamph. 2006).
57. A printable version of the application and the requirements of the applicant can be found on the online at <http://www.maine.gov/sos/cec/elec/peopapp.pdf>.
58. 21-A Me. Rev. Stat. Ann. § 901 (pamph. 2006).
59. Me. Dept. of Sec. of State, *People Veto's Application Packet online* at <http://www.maine.gov/sos/cec/elec/peoppak.htm> (Emphasis in the original.).
60. *Id.*
61. 21-A Me. Rev. Stat. Ann. § 901 (pamph. 2006).
62. 21-A Me. Rev. Stat. Ann. § 901(1) (pamph. 2006).
63. 21-A Me. Rev. Stat. Ann. §901 (3-A) (pamph. 2006) does not mention the referendum application specifically when it requires the Secretary of State to review the applications for a direct initiative within ten days of their receipt. However, the Secretary of State's Web site states that the review of a referendum application be completed within ten days. Available online at <http://www.maine.gov/sos/cec/elec/peoppak.htm>.
64. 21-A Me. Rev. Stat. Ann. § 906 (pamph. 2006) provides the requirements for the form of the ballot.
65. Me. Const. art. IV pt. 3, § 17(1).
66. Me. Const. art. IV, pt. 3, § 20.
67. Marvel can be found online at <http://libraries.maine.edu/mainedatabases/>. The researcher must register to use the Marvel databases and these databases are only available within the state of Maine. See <http://libraries.maine.edu/mainedatabases/gettingstarted.htm> for help getting started with Marvel.
68. Mariner is the collection of databases available to those who have cards from URSUS member libraries. URSUS is the shared catalog of the University of Maine System Libraries, the Maine State Law and Legislative Reference Library and the Maine State Library. Mariner is available online at <http://libraries.maine.edu/mariner/>. From here the researcher must click "Indexes and Databases" and then click "Featured Databases."
69. The Maine News Index can be found online at <http://mni.portlandlibrary.com/ics-wpd/mniquery.htm>.
70. The library staff has also compiled several legislative histories on citizen initiated bills. You can see a complete list of all of the compiled legislative histories available at the Maine State Law and Legislative Reference Library online at <http://www.maine.gov/legis/lawlib/legishy.htm>.
71. Edward E. Chase, *A History of the Operation of the Initiative and Referendum in Maine From 1907-1951*, (unpublished ms., 1952) p. 2 (copy available at the Maine State Law and Legislative Reference Library).
72. *Id.* at pp. 38-40.
73. I am providing page numbers rather than chapters because the author does not break this text up into chapters.