

**Maine Citizen's Guide to the
Referendum Election**

Tuesday, November 7, 2023



**In Accordance with the April 7th, 2023 Proclamation of the Governor and with the Acts Passed
by the 131st Legislature at the First Special Session**

Shenna Bellows Secretary of State

Appropriation 014 29A 069202

State of Maine Office of the Secretary of State Augusta, Maine 04333

Dear Fellow Citizen,

The information in this booklet is intended to help voters learn about the questions that will appear on the November 7, 2023 Referendum Election ballot. Referendum elections are an important part of the heritage of public participation in Maine.

Inside this booklet, you will find:

- ◆ the referendum questions;
- ◆ the legislation each question represents;
- ◆ a summary of the intent and content of the legislation;
- ◆ an explanation of the significance of a “yes” or “no” vote;
- ◆ an estimate of the fiscal impact of each referendum question on state revenues, appropriations and allocations; and
- ◆ public comments filed in support of or in opposition to each ballot measure.

For information about how and where to vote, please contact your local Municipal Clerk or call Maine’s Division of Elections at 207-624-7650. Information is also available online at www.maine.gov/sos.

The Department of the Secretary of State, the Attorney General, the State Treasurer and the Office of Fiscal and Program Review have worked together to prepare this booklet of information, and we hope you find it helpful.

Sincerely,



Shenna Bellows
Secretary of State

State of Maine Referendum Election, November 7, 2023

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Question 1: Citizen's Initiative

Do you want to bar some quasi-governmental entities and all consumer-owned electric utilities from taking on more than \$1 billion in debt unless they get statewide voter approval?

SUMMARY

This initiated bill prohibits a quasi-independent state entity, reporting entity, municipal electric district, consumer-owned transmission and distribution utility, cooperative or rural electrification cooperative from borrowing money, incurring debt, whether general obligation debt or revenue obligation debt, or issuing bonds, notes or other evidences of indebtedness that would cause its total debt outstanding at any time to exceed \$1,000,000,000 unless the action that would cause the total debt outstanding to exceed \$1,000,000,000 is approved by the voters at a general election. This initiated bill requires the Treasurer of State, with the assistance of the Secretary of State, to prepare a statement to accompany the question presented to the voters regarding the estimated costs of the increased debt and any other issues the Treasurer of State considers relevant.

Exemptions are provided for debt issued by the Maine Public Employees Retirement System, the Finance Authority of Maine, the Maine Health and Higher Education Facilities Authority, the Department of Transportation, the Maine Turnpike Authority, municipalities and counties and the Maine Municipal Bond Bank and for certain education-related programs.

INTENT AND CONTENT

Prepared by the Office of the Attorney General

This citizen-initiated bill is intended to require some types of public bodies and electric utilities to get voter approval in a statewide referendum before they can exceed \$1 billion in total outstanding debt.

Covered Entities. The voter-approval requirement applies to five types of entities:

A quasi-independent state entity: An independent board, commission or agency created by the Maine Legislature to fulfill governmental purposes and that receives revenues that are derived, in whole or part, from federal or state taxes or fees.

A reporting entity: A type of quasi-independent state entity required to file financial reports with the Maine Legislature. There are currently 24 reporting entities. Examples include the

Finance Authority of Maine, the Maine Community College System, the Maine Human Rights Commission, and the Maine State Housing Authority.

A municipal electric district: An entity created by voters or officials of one or more municipalities that may, among other things, generate, transmit, or distribute electricity to individuals and corporations within the district.

A consumer-owned transmission and distribution utility: A transmission and distribution utility wholly owned by its consumers, including rural and other electrification cooperatives, municipal and quasi-municipal transmission and distribution utilities, and any transmission and distribution utility wholly owned by a municipality. The Pine Tree Power Company proposed by Question 3 would be classified as a consumer-owned utility if voters approve that proposed measure.

A rural electrification cooperative: A corporation organized by 5 or more individuals to, among other things, generate, transmit or distribute electricity to the cooperative's members.

Voter Approval Process. Voter approval of debts exceeding \$1 billion for the above entities would occur through a statewide referendum held at a November general election. The State Treasurer would be required to prepare a signed statement estimating the costs involved, including interest costs, which would be printed on the ballot or posted at the voting place.

Exceptions. The initiated measure exempts several types of borrowing from the voter approval requirement:

- (1) Borrowing authorized by certain laws governing the state retirement system;
- (2) Borrowing authorized by certain laws regulating the Finance Authority of Maine;
- (3) Borrowing authorized by certain laws pertaining to post-secondary education;
- (4) Borrowing authorized by certain laws regulating the Maine Health and Higher Educational Facilities Authority;
- (5) Borrowing authorized by certain laws pertaining to state highways;
- (6) Borrowing authorized by certain laws regulating the Maine State Housing Authority; and,
- (7) Borrowing authorized by certain laws regulating the Maine Municipal Bond Bank.

A “YES” vote is to enact the initiated legislation.

A “NO” vote opposes the initiated legislation.

FISCAL IMPACT STATEMENTS

Prepared by the Office of Fiscal and Program Review

This citizen initiative prohibits certain entities from borrowing money, incurring debt or issuing bonds, notes or other evidences of indebtedness that cause their individual debt outstanding at any one time to exceed \$1,000,000,000 unless such borrowing is approved by the voters at a general election. As is already required under current law for general obligation bonds issued by the State, the Treasurer of State is required to provide certain principal and interest cost information to the Secretary of State to be printed on the ballot or printed as a separate document and the Secretary of State must also include it in the citizen's guide to the referendum.

The large dollar threshold, along with language that exempts certain major debt-issuing entities from the requirement for voter approval, means that the number of times such a borrowing will need to be voted on is expected to be quite small. The Secretary of State's budget normally includes sufficient funds to accommodate one ballot of average length for a general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$266,000 may be required for the Secretary of State. Whether this initiative will necessitate a second ballot will depend on what else is on the ballot at each particular general election when a borrowing appears. Any additional costs to the Treasurer of State to prepare the required information is expected to be insignificant.

If a proposed future borrowing is approved by the voters, there would be no additional fiscal impact from enactment of this initiative apart from possible ballot costs. If a future borrowing is rejected by the voters, there is the possibility of additional fiscal impact, but it would be contingent on the nature of the specific borrowing rejected and no estimate of fiscal impact can be made at this time on what might not occur because of this initiative.

PUBLIC COMMENTS

No public comments were filed in support of or opposition to Question 1.

Question 2: Citizen's Initiative

Do you want to ban foreign governments and entities that they own, control, or influence from making campaign contributions or financing communications for or against candidates or ballot questions?

SUMMARY

This initiated bill makes the following changes to the election laws.

1. It prohibits a foreign government-influenced entity from making, directly or indirectly, a contribution, expenditure, independent expenditure, electioneering communication or any other donation or disbursement of funds to influence the nomination or election of a candidate or the initiation or approval of a referendum. It prohibits a person from knowingly or recklessly providing substantial assistance, with or without compensation, in the making of an expenditure, independent expenditure, electioneering communication or disbursement in violation of this prohibition. It prohibits a person from knowingly soliciting, accepting or receiving a contribution or donation in violation of this prohibition and prohibits a person from knowingly or recklessly providing substantial assistance, with or without compensation, in the making, solicitation, acceptance or receipt of a contribution or donation in violation of this prohibition.

2. It prohibits a person from structuring or attempting to structure a solicitation, contribution, expenditure, independent expenditure, electioneering communication, donation, disbursement or other transaction to evade the prohibitions and requirements in the initiated bill.

3. It requires, whenever a foreign government-influenced entity disburses funds to finance a public communication to influence the public or government officials on issues of state or local policy or foreign relations, that the communication include a clear and conspicuous statement naming the foreign government-influenced entity as a sponsor of the communication.

4. It directs each television or radio broadcasting station, provider of cable or satellite television, print news outlet and Internet platform to establish due diligence policies to prevent the distribution of communications for which foreign government-influenced entities have made prohibited expenditures, independent expenditures, electioneering communications or disbursements and further directs an Internet platform to, upon discovery, immediately remove any such communications from its platform.

5. It provides that the Commission on Governmental Ethics and Election Practices may assess a penalty of not more than \$5,000 or double the amount of the contribution, expenditure, independent expenditure, electioneering communication, donation or disbursement involved in the violation, whichever is greater, for a violation of the initiated bill.

6. The initiated bill also calls on each member of Maine's Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution to reaffirm the power of citizens through their government to regulate the raising and spending of money in elections.

7. For 7 consecutive years beginning July 31, 2023, the initiated bill requires the Commission on Governmental Ethics and Election Practices to issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress and the members of Maine's Congressional Delegation sponsoring such proposals.

INTENT AND CONTENT

Prepared by the Office of the Attorney General

This citizen-initiated bill is intended to ban foreign governments and entities with certain connections to foreign governments from seeking to influence Maine election campaigns. The measure is also intended to encourage Maine's congressional delegation to support amending the U.S. Constitution to undo or narrow certain U.S. Supreme Court decisions limiting regulation of campaign spending.

Entities Subject to the Law. The initiated measure would restrict the political activities of a class of entities that the measure calls "foreign government-influenced entities." The measure defines these entities to include both foreign governments, whether or not recognized by the United States, and "firms, partnerships, corporations, associations, organizations and other entities" that meet one of two criteria:

- (1) A foreign government or entity that is majority-owned by a foreign government controls or owns, directly or indirectly, 5% or more of the entity; or,
- (2) A foreign government or entity that is majority-owned by a foreign government "directs, dictates, controls, or directly or indirectly participates in the decision-making process" with regard to the entity's participation in election campaigns.

Prohibitions on Election Activities. The initiated bill would ban foreign government-influenced entities from engaging in certain election activities. Included in the ban would be making monetary or in-kind contributions, making expenditures (whether they are independent or in coordination with a candidate), making electioneering communications, and making any other donations or disbursement of funds to influence a campaign. The ban would apply to both candidate campaigns and referenda campaigns, including referenda for direct initiatives, people's vetoes, constitutional amendments, bonds, Legislature-directed referenda, and county and municipal referenda.

The initiated measure also bans soliciting, accepting, or receiving a contribution by a foreign government-influenced entity or providing substantial assistance in carrying out any of the prohibited

activities. It further prohibits structuring or attempting to structure transactions to evade the measure's prohibitions.

The initiated measure would make a knowing violation of any of the above restrictions a Class C crime punishable by up to 5 years in prison and a criminal fine of up to \$5,000 for an individual. An entity could be punished with a criminal fine of up to \$20,000. The measure would also authorize the Commission on Governmental Ethics and Election Practices to impose civil fines of up to \$5,000 for a violation, whether the violation was knowing or inadvertent.

Disclosure Requirement for Other Public Communications. The initiated bill does not ban foreign government–influenced entities from seeking to influence the public or any state, county, or local official or agency on matters of public policy. However, if these entities make expenditures to finance a public communication to influence government policy or a government's relations with a foreign country or foreign political party, that communication would be required to contain a disclaimer. Specifically, the communication would have to conspicuously state that it is “sponsored by” the entity and disclose that the entity is a foreign government or foreign government–influenced entity. To be subject to this requirement, the communication must be to the public and made through television, newspaper, magazine, campaign sign, the Internet, other digital methods, direct mail, or another type of general public political advertising, regardless of medium.

Violation of this disclosure provision would not be a crime but would be punishable by a civil fine of up to \$5,000, imposed by the Commission on Governmental Ethics and Election Practices.

Obligations on the Media and Internet Platforms. The law would impose “due diligence” requirements on television and radio broadcasting stations, providers of cable or satellite television, print news outlets, and Internet platforms. These entities would be subject to two requirements. First, they would be required to create policies reasonably designed to ensure that they did not disseminate communications illegally financed by foreign government–influenced entities. Second, if the entities discover they have distributed such a communication, they would be required to immediately remove it and report it to the Commission on Governmental Ethics and Elections Practices.

U.S. Constitutional Amendment. The initiated measure would call on Maine's congressional delegation to support and promote an amendment to the United States Constitution. The initiated measure does not specify language for the proposed amendment. Instead, it sets forth principles and rights that any proposed amendment should secure. These principles and rights include recognizing that all people have a right to influence and participate in government, which should not be allocated or constrained based on wealth; recognizing that Maine and other states must have authority to enact reasonable limits on the role of money in elections; recognizing principles of federalism and the sovereignty of Maine and other states; and recognizing the need for integrity of Maine elections and referenda against corruption and foreign influence. The initiated measure also reaffirms a joint resolution adopted by the Maine Legislature in 2013 that included language critical of certain United States Supreme Court decisions relating to campaign finance regulation, naming in particular *Buckley v. Valeo* and *Citizens United v. Federal Election Commission*.

The initiated measure does not purport to be binding on Maine’s congressional delegation. Instead, the initiated measure would require the Commission on Governmental Ethics and Elections Practices to issue an annual report identifying anticorruption amendment proposals in Congress and the members of Maine’s congressional delegation sponsoring such proposals.

A “YES” vote is to enact the initiated legislation.

A “NO” vote opposes the initiated legislation.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

This citizen initiative prohibits expenditures by foreign governments or foreign government influenced entities to influence the nomination or election of a candidate or the initiation or approval of a referendum. These prohibitions and new requirements for additional annual reporting by the Commission on Governmental Ethics and Election Practices about federal anticorruption efforts are not anticipated to create additional costs for the State or local units of government.

The initiative also creates a new Class C crime for violations of the proposed changes. The average cost of incarcerating one individual for a single year is \$55,203. No assumption is made at this time of the number of individuals who may be incarcerated for violations of such crimes in the future, if any. Any additional workload associated with the minimal number of new cases that might be filed in the court system will not require additional funding. The collection of additional fine and/or fee revenue may increase General Fund and dedicated revenue by minor amounts.

PUBLIC COMMENTS

Public Comment in Support of Question 2

Comment submitted by:

Anna Kellar

Maine Citizens for Clean Elections

129 Grant Street, Apt. 18

Portland, ME 04101

Maine Citizens for Clean Elections (MCCE) supports a yes vote on Question 2. MCCE is a nonpartisan organization that has been working for over thirty years to ensure elections remain in the hands of voters, not big money donors.

Question 2 would close a loophole in our laws and ensure that foreign governments cannot drown out the voices of Maine voters.

Too often big-money interests try to use campaign spending to sway the outcome of elections away from what voters want. Foreign governments and foreign government controlled entities have the resources to distort our political discourse. You don't have to believe that foreign interests are bad or hostile to our government. The simple fact is that their interests and loyalties are to their foreign owners and multinational markets, not to Maine people.

Federal law now prohibits any foreign national from making contributions or expenditures in connection with a candidate election. Importantly, this federal statute also bans contributions in state and local candidate elections, in addition to those in congressional and presidential races. Maine should expand this ban to include foreign-government controlled entities in state and local referendum campaigns.

Voting Yes on 2 also makes an important statement about the need for broader reforms to reign in money in politics. Question 2 also calls on our congressional delegation to support a 28th amendment to the U.S. Constitution that would fight corruption and reduce the influence of money in politics. This amendment is more important than ever.

<p>The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.</p>

Public Comment in Support of Question 2

Comment submitted by:
Kaitlin LaCasse
Protect Maine Elections
PO Box 182
Raymond, ME 04071

Vote YES ON 2 to protect our elections from the foreign governments that seek to disrupt our democracy.

A cross-partisan group of Maine voters formed Protect Maine Elections in support of banning foreign governments and entities that they own, control, or influence from making campaign contributions or financing communications for or against candidates or ballot questions. Volunteers spent a year collecting over 80,000 signatures from neighbors and friends, family members and colleagues so we can ensure this protection in law.

The Maine government isn't permitted to make such campaign contributions, it is unthinkable that we would continue to allow foreign governments to do so.

82% of Maine voters support banning foreign governments, and foreign government-owned entities from spending in our elections – including 91% of Republicans, 83% of Democrats, and 82% of Independents. There are few issues – if any – where we see such a consensus among Maine voters.

Voting YES ON 2 reflects our shared values about democracy. Maine voices should not be silenced by foreign governments or dark money special interest groups.

As voters of Maine, we are responsible stewards of our democracy and want our voices and our votes to count. Vote YES ON 2 to protect our Maine elections from foreign government interference.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Question 3: Citizen’s Initiative

Do you want to create a new power company governed by an elected board to acquire and operate existing for-profit electricity transmission and distribution facilities in Maine?

SUMMARY

This initiated bill creates the Pine Tree Power Company, a privately operated, nonprofit, consumer-owned utility controlled by a board the majority of the members of which are elected. The company's purposes are to provide for its customer-owners in this State reliable, affordable electric transmission and distribution services and to help the State meet its climate, energy and connectivity goals in the most rapid and affordable manner possible.

The Pine Tree Power Company is not permitted to use general obligation bonds or tax dollars of the State. The company finances itself by issuing debt against its future revenues to purchase the facilities of investor-owned electric transmission and distribution utilities in the State. The fair market value of the acquisition is either negotiated or determined by a refereed process. The Pine Tree Power Company Board contracts a nongovernmental team to operate the facilities, and the operations team is required to retain all workers of the purchased utilities.

The company is subject to property taxation and must pay property tax in the same manner as an investor-owned transmission and distribution utility. The company is subject to ratemaking and other oversight by the Public Utilities Commission and is required to administer programs for net energy billing, nonwires alternatives, supply procurement and low-income assistance programs.

The company is governed by a board of 13 members, 7 of whom are each elected to represent 5 State Senate districts, as well as 6 designated expert members. The board is subject to freedom of access laws and to laws preventing conflicts of interest.

The initiated bill also directs the Public Utilities Commission beginning January 1, 2025 to find a transmission and distribution utility unfit to serve and to direct the sale of the utility if the utility meets certain criteria.

INTENT AND CONTENT

Prepared by the Office of the Attorney General

This citizen-initiated bill is intended to replace Maine’s two investor-owned electricity transmission and distribution utilities, Central Maine Power and Versant Power, with a new publicly owned utility called the Pine Tree Power Company (the “Company”).

Company Purposes. The initiated measure specifies 8 purposes of the Company. They include delivering electricity in a safe, affordable, and reliable manner; ensuring excellence, timeliness

and accuracy in billing, metering and customer service; providing an open, supportive and competitive platform to develop and deploy renewable generation, storage, efficiency and beneficial electrification technologies; assisting the State in rapidly meeting or exceeding climate goals; improving Internet connectivity; advancing economic, environmental and social justice; providing for accountable governance; and providing economic growth and benefits for the State.

Company Organization. The Company would be governed by a board of directors consisting of 13 voting members. Seven of the board members would be elected and 6 would be appointed. Board members would serve for staggered 6-year terms.

Each of the 7 elected board members would be elected by voters at a November general election. They would each represent 5 State Senate districts. A candidate for the board must be at least 21 years old, a U.S. citizen for at least 5 years, a Maine resident for at least 1 year, a resident of the area they seek to represent at least 3 months, and may not hold a state elected office. Candidates must qualify for the ballot under the laws governing non-party candidates; they may not run in party primaries. Board candidates are subject to the same campaign-finance laws as other candidates for state office.

The 6 non-elected board members would be appointed by the elected members. These members must collectively have expertise and experience in certain topics relating to utilities, utility employees, commercial or industrial electricity consumers, electricity, climate, and economic, environmental and social justice.

Acquisition of Current Investor-Owned Utilities. The Company would be required to acquire all “utility facilities” located in Maine that are owned or operated or held for future use by investor-owned transmission and distribution utilities. A “utility facility” is defined as any portion of a plant used or useful in providing transmission and distribution utility service. It includes transmission lines, office buildings, equipment, and transportation equipment.

The measure also permits, but does not require, the Company to acquire “utility property” from an investor-owned utility. “Utility property” is more broadly defined than “utility facility,” and includes any tangible or intangible asset, liability, obligation, plan, proposal, share, agreement or interest of a utility.

The measure provides a process for the Company to acquire these facilities and property. Under this process, the Company would first make a purchase offer to the current owner of the facilities or property. The owner could submit a counteroffer to the Company. If the Company rejects the counteroffer, the owner could then ask a court to determine the purchase price. If the owner did not file this court action within 30 days of the Company’s rejection of its counteroffer, the Company would be required to immediately take the facilities or property using eminent domain, paying the initial offer price as compensation.

If the investor-owned utility filed a timely court action, the court would conduct proceedings and issue an order establishing the purchase price. Once any appeals were completed, the Company would be required to immediately take the facilities or property using eminent domain, paying the court-determined purchase price as compensation. At any time during this process, the Company and the investor-owned utility could agree to a voluntary sale of the facilities or property. The Company would be required to finance the purchase or acquisition of utility facilities and property by issuing debt under the laws governing Maine public utilities.

Once a purchase price is established by agreement or court order, the investor-owned utility would be required to make the necessary regulatory filings and cooperate with the Company during the transition in ownership and control.

Operation of Transmission and Distribution Facilities. The Company would be required to contract with one or more private-sector “operators,” which would be responsible for operating the transmission and distribution facilities that the Company must acquire. The operator would also be responsible for maintenance, customer accounts management, and customer service and information. The contract must reward the operator’s performance and not the provision of capital, and must provide for the efficient and effective fulfillment of the Company’s purposes.

The Company would be barred from contracting with any operator that the Public Utilities Commission had, in the past 10 years, found “unfit to serve” under criteria set out in the initiated bill. The Commission would be required to find an operator unfit to serve if the operator was a transmission and distribution utility with more than 50,000 customers and met at least 4 of 8 unfitness criteria set forth in the initiated measure.

The operator would be required to offer to hire all qualified, nonexempt employees of Central Maine Power and Versant Power. The operator could also hire other employees of those utilities, except for members of the utility’s executive board. The operator would be required to offer former utility employees retention bonuses. The operator would be required to honor existing collective bargaining agreements and could not limit or impair the ability and right of its employees to strike. The operator could not contract with other businesses to perform work that could reasonably be performed by the operator’s qualified nonexempt employees.

Other Provisions. The initiated bill contains several other features, including the following:

- The Company must charge rates that cover the full costs of service, including debt and property tax costs;
- State Government is not responsible for the Company’s debts;
- The Company is exempt from state and local income taxes but must pay property taxes;
- Company records are subject to Maine’s Freedom of Access Act, with exceptions for customer and other sensitive records;

- The Company must propose an initial 5-year plan to meet certain affordability, reliability, decarbonization, and connectivity goals. The Public Utilities Commission must approve the plan.

A “YES” vote is to enact the initiated legislation.

A “NO” vote opposes the initiated legislation.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

This citizen initiative creates the Pine Tree Power Company (PTPC), a privately operated, nonprofit, consumer-owned transmission and distribution utility. It establishes a process for the PTPC to purchase the assets of an investor-owned electric transmission and distribution facility operating in the State. The PTPC will be subject to oversight by the Public Utilities Commission (PUC) as a consumer-owned utility. It is important to clarify that this fiscal impact statement does not attempt to quantify or include the cost to the PTPC to purchase and operate a decertified utility. The purchase is anticipated to be financed through the issuance of bonds and the debt service costs of those bonds and the costs of operation will be funded through utility rates charged to the consumers.

The PUC has indicated that its additional regulatory authority will require 3 Staff Attorney positions and 6 Utility Analyst positions at a projected cost of \$1,294,169 in the first year and \$2,275,349 in subsequent years. Since the PUC is funded by an assessment set to produce sufficient revenue for the expenditures allocated by the Legislature for operating the PUC, the increased expenditures will require a corresponding increase in revenue from assessments on transmission and distribution utilities. These costs may be passed on to electric utility customers through scheduled rate cases in the future.

The initiative also requires that no earlier than January 1, 2025, the PUC shall decertify investor-owned electric transmission and distribution utilities operating in the State that fail to meet criteria established in this initiative. This action, combined with provisions designed to force the utilities subject to decertification to sell assets to the PTPC, may result in litigation. Any litigation costs may be passed on to consumers.

The 7 elected members of a 13-person governing board may participate in the Maine Clean Elections program. The Commission on Governmental Ethics and Election Practices estimates that up to 11 candidates may choose to use the program in the first election cycle after the PTPC is established for a cost to the Commission of \$335,450 from April through June in the first fiscal year and \$273,750 from July through October in the second fiscal year. Qualifying contributions from candidates are anticipated to generate additional revenue of \$13,900 in the first year and \$9,900 in the second fiscal

year. Subsequent election cycles are estimated to require payments to candidates of \$110,764 or \$166,145, depending on whether 2 or 3 board members are being elected.

Additional costs to any state agencies and departments that provide assistance and counsel to the board, and to the Office of the Attorney General to make recommendations regarding a code of ethics for members of the board, can be absorbed within existing budgeted resources and will not require additional funding.

Since the PTPC will be exempt from income taxes, the State will see a decrease in General Fund revenue from the corporate income taxes that are currently being paid by the investor-owned utilities currently operating in the State. Confidentiality of tax records prevents disclosure of the amounts of tax paid by the existing utilities that will be decertified if this initiative is approved. However, some of this income tax revenue loss could be offset to the extent that the non-governmental entity contracted by the PTPC for certain operations has taxable income. The PTPC will still be subject to property taxes, so municipal property tax revenues are not expected to be significantly impacted unless there is a change in the location of facilities.

Public Comments

No public comments were filed in support of or opposition to Question 3.

Question 4: Citizen's Initiative

Do you want to require vehicle manufacturers to standardize on-board diagnostic systems and provide remote access to those systems and mechanical data to owners and independent repair facilities?

SUMMARY

This initiated bill requires manufacturers of certain motor vehicles to standardize the vehicle on-board diagnostic systems and make those systems accessible to owners and independent repair facilities. It requires the Attorney General to designate an independent entity to administer the accessibility of vehicle on-board diagnostic systems by adopting standards and developing policies. The initiated bill requires the release of certain diagnostic repair tools, parts, software and components depending on model year of the motor vehicle. It also requires certain motor vehicles to be equipped with a standard access platform and provides exclusions for information otherwise required to be shared with owners or independent repair shops if that information is necessary for immobilizer systems or security-related modules. The initiated bill provides for enforcement by civil action of the provisions related to access and information sharing and provides the available damages. It also requires that the Attorney General establish a notice relating to motor vehicle telematics systems and requires dealers of certain motor vehicles to provide that notice to potential owners of motor vehicles, and it provides for an administrative consequence if a dealer does not comply.

INTENT AND CONTENT

Prepared by the Office of the Attorney General

This citizen-initiated bill is intended to require automakers to take steps, including expanding access to on-board vehicle diagnostic systems, to make it easier for vehicle owners and independent repair shops to diagnose, repair, and maintain motor vehicles.

Access to On-Board Diagnostic Systems. The initiated measure would require vehicle manufacturers to standardize and make available to owners and independent repair shops the on-board diagnostic systems of all vehicles, including commercial vehicles and heavy-duty vehicles. Manufacturers could not require authorization for owners and independent repair shops to access these systems, except through a standardized authorization process administered by an independent entity chosen by the Maine Attorney General.

Specific access requirements would depend on the model year of the vehicle:

Model year 2018 and later. Vehicles with model years of 2018 and later would be required to have an on-board diagnostic system that could be accessed using an off-the-shelf personal computer.

The system would also have to be accessible using certain other technologies. Manufacturers would also need to provide access to all parts, tools, software, and other components necessary to repair the vehicle.

Model years 2002 to 2017. Vehicles with model years between 2002 and 2017 would have to provide the same access to on-board diagnostic and repair information systems to owners and independent repair shops as is provided to new vehicle dealers.

Model year 2002. For vehicles with a 2002 model year, manufacturers would have to sell, under fair and reasonable terms, diagnostic repair tools, parts, software, and components that have the same capabilities as those the manufacturer makes available to its authorized repair shops. Manufacturers would also have to provide information to certain aftermarket scan tool companies, make available for purchase the same diagnostic repair information that the manufacturer makes available through its Internet-based diagnostic and repair information system, and provide access to the manufacturer's diagnostic and repair information system for purchase on a daily, monthly, and yearly subscription basis. Finally, manufacturers would have to provide access to all parts, tools, software, and other components necessary to repair the vehicle.

Model years prior to 2002. The initiated measure has no provisions specifically addressing vehicles older than model year 2002.

Telematics Access Platform. The initiated measure would require manufacturers that use telematics systems to equip all new vehicles with a standardized platform to access vehicle information. A telematics system, as defined by the measure, collects information generated by a vehicle's operation and transmits that information using wireless communications to a remote receiving point. The required telematics access platform must be able to securely communicate all vehicle-specific data generated by, stored in or transmitted by the vehicle and used for diagnosis, repair, or maintenance of the vehicle. The platform must be accessible to the owner through a mobile app and must permit the owner to authorize dealers and independent repair shops to access the data. The platform must also include the ability to send commands to vehicle components if needed for maintenance, diagnosis, or repair.

Exception for Security Systems. Vehicle manufacturers would not be required to provide access to information needed to reset a vehicle immobilizer system or security-related electronic modules. However, if such information is withheld, the manufacturers must make such information available through the secure data release model system used by the National Automotive Service Task Force, or some other known, reliable and accepted system.

Oversight. The measure requires the Maine Attorney General to designate an independent entity to establish and administer access to vehicle data. The entity must include representatives of various industry trade groups and may not be controlled by vehicle manufacturers. The entity must manage cyber-secure access to vehicle data. It must also ensure that access to vehicles' on-board

diagnostic system and standardized access platform is secure under United States and international standards. The entity must identify and adopt various standards and policies relating to data access.

If the independent entity has reason to believe that a manufacturer has violated any provision of the measure, it must notify the Attorney General. The measure directs the Attorney General to promptly institute any actions or proceedings he or she deems appropriate. The Attorney General may also seek court enforcement of any lawful order made or action taken by the independent entity.

The measure also requires the Attorney General to establish a notice for prospective vehicle owners containing certain information, including the owner's ability to access the vehicle's mechanical data through a mobile device and right to authorize an independent repair facility to access the vehicle's mechanical data. Dealers would be required to provide the notice to prospective owners and obtain a signed certification that the prospective owner has read the notice.

Civil Remedy. The initiated measure allows a vehicle owner or independent repair shop authorized by an owner to sue a vehicle manufacturer for denying access to mechanical data. For each denial of access, the owner or repair shop is entitled to recover 3 times their actual damages or \$10,000, whichever is greater.

A "YES" vote is to enact the initiated legislation.

A "NO" vote opposes the initiated legislation.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

This citizen initiative proposes to require manufacturers of certain motor vehicles to standardize the vehicle on-board diagnostic systems and to make those systems accessible to motor vehicle owners and independent repair facilities.

Enforcement of this initiative may require the Office of the Attorney General (AG) to take court action. Assuming that this requires one half-time Assistant Attorney General position in the Office of the Attorney General, the ongoing annual costs to pursue and address violations will be approximately \$65,000 annually. In the event the initiative itself becomes the subject of litigation, there may be additional costs to the AG to defend the new law in court. Any additional costs to the AG to establish a notice for prospective motor vehicle owners regarding motor vehicle telematics systems are not expected to be significant.

This initiative may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases does not require additional funding for the Judicial Department. The collection of additional filing fees will increase General Fund and dedicated revenue by minor amounts.

Public Comments

Public Comment in Support of Question 4

Comment submitted by:

Tim Winkeler

Maine Automotive Right to Repair

15 Rebecca Way

Falmouth, ME 04105

Maine's automotive right to repair citizen's initiative allows access to owners and independent auto repair shops to the vehicle on-board diagnostic systems, parts, software, and components of all motor vehicles, including commercial motor vehicles and heavy-duty vehicles having a gross vehicle weight rating of more than 14,000 pounds through the following:

- This initiated bill requires manufacturers of certain motor vehicles to standardize the vehicle on-board diagnostic systems and make those systems accessible to owners and independent repair facilities.
- It requires the Attorney General to designate an independent entity to administer the accessibility of vehicle on-board diagnostic systems by adopting standards and developing policies.
- The initiated bill requires the release of certain diagnostic repair tools, parts, software and components and it also requires certain motor vehicles to be equipped with a standard access platform and provides exclusions for information otherwise required to be shared with owners or independent repair shops if that information is necessary for immobilizer systems or security-related modules.
- The initiated bill provides for enforcement by civil action of the provisions related to access and information sharing and provides the available damages. It also requires that the Attorney General establish a notice relating to motor vehicle telematics systems and requires dealers of certain motor vehicles to provide that notice to potential owners of motor vehicles, and it provides for an administrative consequence if a dealer does not comply.

Protect your car repair choice and vote YES on question 4!

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.
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Public Comment in Opposition to Question 4

Comment submitted by:
Robert L. Redding, Jr.
Washington, D.C. Representative
Automotive Service Association 313
Massachusetts Avenue, N.E.
Washington, D.C. 20002

The Automotive Service Association (ASA) is the oldest and largest national organization committed solely to protecting independent automotive repair shops. Our members own and operate automotive mechanical and collision repair facilities. Independent repair shops are responsible for the majority of all post-warranty repairs and collision repairs in the United States.

Our members are on the front lines of the right-to-repair issue. That is why, over the past several decades, ASA reached agreements with automotive manufacturers to secure the right of vehicle owners to repair their vehicle or bring it to a repair facility of their choosing. In July 2023, ASA, the Society of Collision Repair Shops, and the Alliance for Automotive Innovation (the trade group whose members manufacture 98% of vehicles on the road in the United States) reached a new vehicle data access agreement. Manufacturers committed to provide owners and independent repairers access to the data, systems, and tools needed to diagnose and repair vehicle issues, even if it requires telematics (wireless communication between a vehicle and an external device) access, the vehicle operates on alternative fuel sources, or it is equipped with any other technology. Not only have these agreements endured, but they also have provided direct channels of communication between repairers and manufacturers, enabling quick resolution to instances in which a repairer lacked data access.

Ballot Question 4 is unnecessary because the agreements in place already provide vehicle owners a competitive automotive repair market. However, approving Ballot Question 4 would create new legal obstacles that could impede repairers from working directly with manufacturers to quickly resolve data access issues. Furthermore, it could burden independent repairers with new cybersecurity liabilities based on access to data beyond what is needed to diagnose and repair their customers' vehicles.

ASA urges you to vote NO on Ballot Question 4.

<p>The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.</p>

Public Comment in Opposition to Question 4

Comment submitted by:

Wayne Weikel

Automakers and Repairers for Vehicle Repair Choice

P.O. Box 4543

Portland, ME 04112

Question 4 is entirely unnecessary.

Automotive right to repair already exists. Every vehicle owner in Maine today has a choice and the absolute right to get your car fixed anytime, anyplace and anywhere.

In fact, automakers and independent repairers are in total agreement: Maine repairers should be guaranteed access to the same repair information and tools provided to auto dealers.

If you ask repairers, they will say they already have all the necessary repair information.

That's not going to change and why Question 4 isn't necessary.

Question 4 is backed by out-of-state, big box retailers.

The referendum is backed by companies headquartered outside of Maine that really want instant and remote access to the electronic data produced by today's high-tech vehicles.

Like what? Navigation, location information, airbag deployment and crash notifications.

Why? So, they can use your private information to try and sell or market their products directly through your vehicle's computer screen.

Question 4 puts your privacy and vehicle security at risk.

Instant and remote access to your vehicle data puts your personal privacy at risk and presents a security threat to you and other vehicles on the road.

How? The cybersecurity protections that manufacturers currently install in vehicles sold across Maine will need to be disabled if Question 4 passes.

Government car safety authorities have warned this could make your vehicle vulnerable to hacking and cyberattacks.

(cont'd next pg.)

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Responsible Maine Car Owners should Vote No on Question 4.

Today's automotive repair market is working just fine. Automotive right to repair already exists.

Car owners have a range of vehicle repair options. Independent repairers have said they have all the information necessary to repair vehicles.

Question 4 will undo what already works and put your privacy – and the security of vehicles on the road – at risk.

Vote NO on Question 4.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Question 5: Constitutional Amendment

Do you favor amending the Constitution of Maine to change the time period for judicial review of the validity of written petitions from within 100 days from the date of filing to within 100 business days from the date of filing of a written petition in the office of the Secretary of State, with an exception for petitions filed within 30 calendar days before or after a general election?

INTENT AND CONTENT

Prepared by the Office of the Attorney General

The intent of this proposed amendment to the Maine Constitution is to give the Department of Secretary of State and the judicial branch more time to review whether petitions for citizens' initiatives and people's vetoes have enough valid signatures to meet constitutional requirements and to shield the Department of Secretary of State from having to divert resources to reviewing petitions while it is administering a general election.

The Maine Constitution currently provides in article IV, part third, section 22, that laws governing judicial review of the Secretary of State's determination of the validity of a citizens' initiative petition or people's veto petition must ensure that review is completed within 100 calendar days of when the petition is filed with the Secretary of State. Consistent with this provision, the Maine Legislature has enacted laws that establish deadlines for the Secretary of State's determination of validity, Superior Court review of that determination, and appeal to the Maine Supreme Judicial Court, that add up to 100 calendar days.

Under the proposed amendment, the Legislature would be permitted to extend the deadlines for Secretary of State and judicial review, so that they collectively add up to 100 business days instead of 100 calendar days. Such an expansion would add approximately 40 calendar days to the maximum permitted review period. The Legislature could, through implementing legislation, allocate these extra days to the Secretary of State, the Superior Court, and the Maine Supreme Judicial Court as it saw fit.

The proposed amendment also contains language that would allow the Legislature to further extend the deadlines for written petitions filed with the Secretary of State around the time of a November general election. Specifically, if a petition for a direct initiative or people's veto were filed with the Secretary of State within 30 calendar days before or after a November general election, the proposed amendment would allow any time that elapses between the date of filing and the date 30 calendar days after the election to be excluded from the calculation of the 100-day deadline.

A "YES" vote is to amend the Maine Constitution to allow more time for review of citizens' initiative and people's veto petitions.

A “NO” vote opposes this change to the Maine Constitution.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

The Constitution of Maine provides that a judicial review of a determination of the validity of a written petition occur within 100 calendar days from the date of filing of a written petition with the Secretary of State. This resolution proposes to amend the Constitution to provide that the time period for judicial review is 100 business days from the date of filing, unless the petition is filed within 30 calendar days before or after a general election, in which case the judicial review must be completed within 100 business days after the 30th calendar day following that general election. This proposed amendment to the Constitution of Maine is not expected to have an impact on the costs to State Government of judicial review.

PUBLIC COMMENTS

No public comments were filed in support of or opposition to Question 5.

Question 6: Constitutional Amendment

Do you favor amending the Constitution of Maine to require that all of the provisions of the Constitution be included in the official printed copies of the Constitution prepared by the Secretary of State?

INTENT AND CONTENT

Prepared by the Office of the Attorney General

The intent of this proposed amendment to the Maine Constitution is to require inclusion in the official printing of the Maine Constitution of three provisions that are already part of the Constitution but, under current law, cannot be included in its official printings.

The proposed amendment would accomplish this purpose by repealing article X, section 7, of the Maine Constitution. That section requires sections 1, 2, and 5, of article X to be omitted in copies of the Maine Constitution that appear in printings of the laws of Maine. That section also contains language ensuring that the omitted provisions have the same legal effect as if they were printed.

A brief description of each currently omitted provision follows:

- *Section 1* of article X contains a schedule for the election and convening of the first Maine Legislature in 1821. It also established initial electoral districts for the Maine House of Representatives and Maine Senate.
- *Section 2* of article X established special terms of office for officials elected in the 1821 election.
- *Section 5* of article X reprints and incorporates into the Maine Constitution provisions of the 1819 Massachusetts law authorizing the separation of Maine from Massachusetts. These provisions are known as the Articles of Separation. There are nine Articles. The Articles describe rights and obligations of Maine and Massachusetts relating to separation, including division of property and assets, the assignment of certain Massachusetts obligations to Maine, and the treatment of certain public lands.

If the proposed constitutional amendment is approved, the Chief Justice of the Supreme Judicial Court, who is responsible for periodically arranging the Maine Constitution, could include these previously omitted provisions in the next official arrangement of the Constitution. Once approved by the Legislature, such an arrangement could lawfully be printed by the Secretary of State.

A “YES” vote is to amend the Maine Constitution to remove restrictions on printing some of its provisions.

A “NO” vote opposes this change to the Maine Constitution.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

Amending the Constitution of Maine to require that all of the provisions of the Constitution be included in the official printed copies prepared by the Secretary of State will create minor costs that can be absorbed by the Secretary of State within existing budgeted resources.

PUBLIC COMMENTS

No public comments were filed in support of or opposition to Question 6.

Question 7: Constitutional Amendment

Do you favor amending the Constitution of Maine to remove a provision requiring a circulator of a citizen's initiative or people's veto petition to be a resident of Maine and a registered voter in Maine, requirements that have been ruled unconstitutional in federal court?

INTENT AND CONTENT

Prepared by the Office of the Attorney General

The intent of this proposed amendment to the Maine Constitution is to remove a provision that can no longer be enforced due to an injunction issued by a federal court.

The Maine Constitution currently provides in article IV, part third, section 20, that individuals who gather signatures for petitions for citizens' initiatives or people's vetoes must be Maine residents registered to vote in their town of residence. In 2020, a group of plaintiffs in a federal lawsuit, *We the People PAC v. Bellows*, No. 1:20-cv-00489, claimed that these requirements violated their First Amendment rights under the United States Constitution. After proceedings in the United States District Court for the District of Maine and the First Circuit Court of Appeals, the District Court entered a permanent injunction prohibiting the Maine Secretary of State from enforcing the circulator residency and registration requirements.

The proposed constitutional amendment would remove from the Maine Constitution these nowunenforceable requirements.

A "YES" vote is to remove the residency and registration requirements for petition circulators from the Maine Constitution.

A "NO" vote opposes this change to the Maine Constitution.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

This resolution proposes to amend the Constitution of Maine to remove a provision requiring a circulator of a citizen's initiative or people's veto petition to be a resident of the State of Maine and registered to vote in Maine. Removing this provision will not create additional costs for the State.

PUBLIC COMMENTS

No public comments were filed in support of or opposition to Question 7.

Question 8: Constitutional Amendment

Do you favor amending the Constitution of Maine to remove a provision prohibiting a person under guardianship for reasons of mental illness from voting for Governor, Senators and Representatives, which the United States District Court for the District of Maine found violates the United States Constitution and federal law?

INTENT AND CONTENT

Prepared by the Office of the Attorney General

The intent of this proposed amendment to the Maine Constitution is to remove a provision that a federal court determined violates the United States Constitution and federal law.

The Maine Constitution currently provides in article II, section 1, that persons who are “under guardianship for reasons of mental illness” are not qualified to vote for Governor, State Representative, or State Senator. In 2000, a group of plaintiffs filed a federal lawsuit, *Doe v. Rowe*, No. 00-cv-206, in the United States District Court for the District of Maine claiming that this restriction violated their rights under the due process and equal protection provisions of the United States Constitution as well as under the federal Americans with Disabilities Act (ADA). In a 2001 decision, the District Court agreed with the plaintiffs, ruling that this restriction on voting was facially unconstitutional and violated the ADA. As a result of the ruling, the State no longer enforces this restriction.

The proposed constitutional amendment would remove from the Maine Constitution this nowunenforceable restriction.

A “YES” vote is to remove the provision making people under guardianship for reasons of mental illness ineligible to vote.

A “NO” vote opposes this change to the Maine Constitution.

FISCAL IMPACT STATEMENT

Prepared by the Office of Fiscal and Program Review

Amending the Constitution of Maine to allow persons under guardianship for reasons of mental illness to be electors for Governor, Senators and Representatives will not create additional costs for the State.

PUBLIC COMMENTS

Public Comment in Support of Question 8

Comment submitted by:
Kim Moody, Executive Director
Disability Rights Maine
160 Capitol Street, Suite 4
Augusta, ME 04330

People placed under guardianship based on being diagnosed with a mental illness can vote in Maine and have been able to do so for the past 22 years.

In 2001, the United States District Court for the District of Maine found that denying someone the right to vote was denying them a fundamental liberty. See Doe v. Rowe, 156 F. Supp. 2d 35 (D. Me. 2001); online at <https://casetext.com/case/doe-v-rowe>. The Court found that the provision within the Maine Constitution that automatically prohibits people under guardianship by reason of mental illness from registering to vote and from voting, violated the Due Process Clause and the Equal Protection Clause of the U. S. Constitution. The Court also said that this provision of the Maine Constitution violated the Americans with Disabilities Act (ADA).

That case resolved the issue of whether someone under guardianship by reason of mental illness could vote in Maine. It clearly said that people under guardianship cannot be automatically disenfranchised and the provision is unconstitutional. But it did not change the Maine Constitution itself, so that outdated provision remains part of the Maine Constitution today and should be removed.

In the last legislative session, two-thirds of the members of the Maine Legislature passed a resolution amending the Maine Constitution to remove the provision that says people under guardianship are prohibited from voting. Now, in order for that provision to be removed from the Maine Constitution, a majority of Maine voters must vote in the November election, to approve the amendment passed by the Legislature.

On behalf of our clients, Disability Rights Maine fully supports removing this provision from the Maine Constitution. It is long overdue.

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State of Maine Official Ballot
 Referendum Election, November 7, 2023

Instructions to Voters

To vote for a question, fill in the oval to the right of the "Yes" or "No" choice, like this: ●

To have your vote count, do not erase or cross out your choice.

If you make a mistake, ask for a new ballot.

Question 1: Citizen Initiative

Do you want to bar some quasi-governmental entities and all consumer-owned electric utilities from taking on more than \$1 billion in debt unless they get statewide voter approval?

A "Yes" vote is to enact the initiated legislation.

A "No" vote opposes the initiated legislation.

Yes
 No

Question 2: Citizen Initiative

Do you want to ban foreign governments and entities that they own, control, or influence from making campaign contributions or financing communications for or against candidates or ballot questions?

A "Yes" vote is to enact the initiated legislation.

A "No" vote opposes the initiated legislation.

Yes
 No

Question 3: Citizen Initiative

Do you want to create a new power company governed by an elected board to acquire and operate existing for-profit electricity transmission and distribution facilities in Maine?

A "Yes" vote is to enact the initiated legislation.

A "No" vote opposes the initiated legislation.

Yes
 No

Question 4: Citizen Initiative

Do you want to require vehicle manufacturers to standardize on-board diagnostic systems and provide remote access to those systems and mechanical data to owners and independent repair facilities?

A "Yes" vote is to enact the initiated legislation.

A "No" vote opposes the initiated legislation.

Yes
 No

Question 5: Constitutional Amendment

Do you favor amending the Constitution of Maine to change the time period for judicial review of the validity of written petitions from within 100 days from the date of filing to within 100 business days from the date of filing of a written petition in the office of the Secretary of State, with an exception for petitions filed within 30 calendar days before or after a general election?

A "Yes" vote is to amend the Maine Constitution to allow more time for review of citizens' initiative and people's veto petitions.

A "No" vote opposes this change to the Maine Constitution.

Yes
 No

Question 6: Constitutional Amendment

Do you favor amending the Constitution of Maine to require that all of the provisions of the Constitution be included in the official printed copies of the Constitution prepared by the Secretary of State?

A "Yes" vote is to amend the Maine Constitution to remove restrictions on printing some of its provisions.

A "No" vote opposes this change to the Maine Constitution.

Yes
 No

Please Turn Over - Questions on Both Sides



State of Maine Official Ballot
Referendum Election, November 7, 2023

Style No. 1

Question 7: Constitutional Amendment

Do you favor amending the Constitution of Maine to remove a provision requiring a circulator of a citizen's initiative or people's veto petition to be a resident of Maine and a registered voter in Maine, requirements that have been ruled unconstitutional in federal court?

A "Yes" vote is to remove the residency and registration requirements for petition circulators from the Maine Constitution.

A "No" vote opposes this change to the Maine Constitution.

Yes
No

Question 8: Constitutional Amendment

Do you favor amending the Constitution of Maine to remove a provision prohibiting a person under guardianship for reasons of mental illness from voting for Governor, Senators and Representatives, which the United States District Court for the District of Maine found violates the United States Constitution and federal law?

A "Yes" vote is to remove the provision making people under guardianship for reasons of mental illness ineligible to vote.

A "No" vote opposes this change to the Maine Constitution.

Yes
No

Please Turn Over - Questions on Both Sides