

## The Maine Heritage Policy Center Testimony to Support LD 1209 “An Act To Require Legislative Hearings on Citizen-initiated Legislation”

Senator Claxton, Representative Martin and distinguished members of the Joint Standing Committee on State and Local Government, my name is Adam Crepeau. I am a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in support of LD 1209.

The Maine Heritage Policy Center supports requiring a public hearing for citizen-initiated legislation. While the legislature can decide to hold a public hearing for all citizen initiatives, they do not always choose to do so. Public hearings allow individuals on all sides of proposed legislation to have their arguments heard by the legislature through written and oral testimony. By allowing all citizens to be heard through mandated public hearings, overwhelming support or opposition for proposed initiatives could prompt the legislature to propose competing legislation or pass the initiative via the legislative process.

The public comment period used in the current system is extremely restrictive and cost prohibitive for individuals who want their comments to be published in the *Citizen's Guide*. Some of the restrictions are listed below.<sup>1</sup>

### **Public Comment Submission Restrictions:**

- Comments must be 300 words or less to be published
- Applications must be accompanied by a \$500 check or money order
- Public comments for publication are limited to three in support and three in opposition of the measure
- Testimony deemed “Neither For Nor Against” is not accepted

There are several issues with the public comment period used to publish the *Citizen's Guide*. First, not all individuals can afford to pay \$500 to weigh-in on a ballot initiative and have their comments published. Second, these comments may not be published in the *Citizen's Guide* due to the high volume of submissions. Third, testimony that is deemed “Neither For Nor Against” is often helpful in teasing out issues with legislation as proposed. Lastly, it can often take more

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<sup>1</sup> <https://www.maine.gov/sos/cec/elec/upcoming/pdf/commentinstruct1118.pdf>;  
<https://www.maine.gov/sos/cec/rules/29/250/250c520.doc>

than 300 words to flesh out the perspectives of an individual and organization. Thus, the public comment period is inadequate by its lonesome.

Public hearings would help solve some of the issues posed by solely using the public comment period. Public hearings do not impose up-front costs on the public and allow for all sides of the issue to express their views. Not to mention, there is no “maximum” length requirement for written testimony. In addition, all testimony is part of the public record and is published online for voters and interested parties to reference before Election Day.

Further, other states require public hearings to be held for ballot initiatives. For example, California requires the state legislature to conduct public hearings on initiatives at least 131 days prior to the election they will be voted on.<sup>2</sup> This allows the public to weigh-in on legislation before a legislative committee and give their input on the merits of initiatives that will appear on the statewide ballot. Not only that, but public hearings are a “fact-finding” process that help tease out untruths and rumors spread during the election for and against initiatives. For example, when the universal home care initiative was on the ballot in 2018, proponents and opponents disagreed about whether the \$128,400 threshold only applied to individuals or if it also applied to joint-filers.<sup>3</sup> If a public hearing had been held on this initiative, the facts could have been realized before these rumors became a public debate and confused voters.

Due to the restrictive nature of the current public comment period and the lack of fact-finding in the current ballot initiative process, The Maine Heritage Policy Center urges the committee to vote, “Ought to Pass” on LD 1209. Thank you.

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<sup>2</sup> <https://lao.ca.gov/ballotanalysis>; [https://ballotpedia.org/Laws\\_governing\\_the\\_initiative\\_process\\_in\\_California](https://ballotpedia.org/Laws_governing_the_initiative_process_in_California)

<sup>3</sup> <https://www.pressherald.com/2018/10/21/political-clash-simmers-over-referendum-on-home-care/>