

Bond Case Briefs

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BALLOT INITIATIVE - MAINE

Avangrid Networks, Inc. v. Secretary of State

Supreme Judicial Court of Maine - August 13, 2020 - A.3d - 2020 WL 4692295 - 2020 ME 109

Power company brought action for declaratory judgment, seeking to enjoin Secretary of State from placing citizen initiative on ballot, which initiative proposed resolve that would reverse Maine Public Utilities Commission order granting power company's request for certificate of public convenience and necessity for transmission line.

Business-advocacy organization and consumer-advocacy organization intervened and joined power company's complaint. Citizens' group and individual voters also intervened and moved to dismiss. The Superior Court granted motion. Power company and advocacy organizations appealed. Secretary, citizens' group, and voters cross-appealed.

The Supreme Judicial Court held that:

- Question of whether subject matter of proposed initiative was within scope of people's right to initiate legislation was ripe for judicial review, and
- Initiative did not propose legislation, and thus initiative was not within citizens' power under Maine Constitution to enact legislation.

Question of whether subject matter of proposed citizen initiative, which would have reversed Maine Public Utilities Commission order granting power company's request for certificate of public convenience and necessity for transmission line, was within scope of people's right to initiate legislation was ripe for judicial review; plainly, proposal that was outside scope of people's right to initiate legislation could not, as constitutional matter, proceed to electorate as direct initiative.

Citizens' initiative, which would have reversed Maine Public Utilities Commission order granting power company's request for certificate of public convenience and necessity for transmission line, did not propose legislation, and thus initiative was not within citizens' power under Maine Constitution to enact legislation, where initiative, although labeled a "resolve," directed Commission, in exercising its executive adjudicatory powers, to reverse its findings and reach different outcome in already-adjudicated matter.