

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 490

H. P. 383

House of Representatives, February 9, 1979

Referred to the Committee on State Government. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco, by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Legislature's Power to Change Measures Adopted by the People or to Reenact Measures Suspended by the People.

Constitutional amendment RESOLVED: Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 3rd, § 24, additional.

Section 24. Limitation on amendment or repeal of Acts or resolves which have been either ratified by referendum or adopted by direct initiative.

1. Act or resolve enacted. No Act or resolve, or part or parts thereof, which has been voted on by the people at a referendum held under section 17 and has been ratified, and no Act or resolve which has been enacted by the people at an election held in accordance with section 18, shall be amended or repealed within 2 years after the ratification or enactment, unless that amendment or repeal is ratified by the people at an election held in accordance with section 17.

This subsection shall not prevent the Legislature from enacting any needed corrective or supplemental Act or resolve which does not change the purpose of the Act or resolve being corrected or supplemented.

2. Suspended Act or resolve. No Act or resolve, or part or parts of an Act or resolve, which has been suspended by the people at an election held in accordance with section 17 shall take effect or substantially take effect within 2 years of the suspension because of a bill or resolve enacted by the Legislature, unless the reenacting Act or resolve is ratified by the people in accordance with section 17.

This subsection shall not prevent the Legislature from enacting any necessary corrective or supplemental Act or resolve which does not contradict the purpose of the suspended Act or resolve or the suspended part or parts of an Act or resolve.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended to limit the Legislature’s power to change measures adopted by the people or to reenact measures suspended by the people?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

STATEMENT OF FACT

This Constitutional Resolution will prohibit the Legislature from repealing or amending an Act ratified by referendum or adopted by direct initiative for 2 years after the ratification or adoption unless the amendment or repeal is approved by a referendum.

It also prohibits the Legislature from reenacting or substantially reenacting an Act or resolve which has been suspended by referendum for 2 years after the suspension, unless the reenactment is approved by a referendum.

The amendment further gives the Legislature the power to enact needed corrective or supplemental legislation without going to referendum, provided that the correction or supplement does not go against the will of the people expressed in the referendum or direct initiative.