

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1747

H. P. 1638

House of Representatives, January 2, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions.

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

Constitution, Art. IV, Pt. 3, § 17, as amended by C R 1975, c. 2, is further amended to read:

Section 17. Proceedings for referendum; proclamation by Governor. Upon written petition of electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the Secretary of State by the hour of five o'clock, p.m., on the ninetieth day after the recess of the Legislature or if such ninetieth day is a Saturday, a Sunday, or a legal holiday, by the hour of five o'clock, p.m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the Governor shall have announced by public proclamation that the same have been ratified by a

majority of the electors voting thereon at a general or special election. The effect of any Act, bill, resolve or resolution or part or parts thereof as are specified in such petition shall be suspended upon the filing of such petition. If it is later finally determined, in accordance with any procedure enacted by the Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon the day following such final determination.

As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general or **special** election not less than sixty days after such proclamation, or in case of no general or **special** election, within six months thereafter the Governor ~~may, and if so requested in said written petition therefor~~ shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof. ~~If the Governor is requested in written petition to order such measure to be submitted to the people at a special election and if he fails to do so in the public proclamation giving notice that the effect of an Act, bill, resolve or resolution or part or parts thereof has been suspended by petition fails to order such measure to be submitted to the people at the next general or special election,~~ the Secretary of State shall, by proclamation, order such measure to be submitted to the people at a ~~special election as requested~~ **such an election** and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Pt. 3, § 18, as amended by C R 1975, c. 2, is further amended to read:

Section 18. Direct initiative of legislation; number signatures necessary on direct initiative petitions. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State by the hour of five o'clock, p.m., on the fiftieth day after the date of convening of the Legislature in regular session. If the fiftieth day is a legal holiday, the period runs until the hour of five o'clock, p.m., of the next day. Any measure thus proposed by electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general or **special** election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is

enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people. The Governor ~~may, and if so requested in the written petitions addressed to the Legislature~~ shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at ~~a special an~~ election to be held ~~not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the Legislature, to which such measure was proposed in November of the year in which the petition is filed.~~ If the Governor ~~is requested in the written petition~~ fails to order a measure proposed to the Legislature and not enacted without change to be submitted to the people at ~~such a an~~ special election ~~and if he fails to do so~~ by proclamation within ten days after the recess of the Legislature to which the measure was proposed, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at ~~a an~~ special election as requested, and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Pt. 3, § 20, 4th sentence, as amended by C R 1975, c. 2, is further amended to read:

Written petitions for an initiative pursuant to Article IV, Part 3, section ~~17 18~~ must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the third day before the petition must be filed in the office of the Secretary of State, or, if such third day is a legal holiday, by five o'clock, p.m., on the next day which is not a legal holiday.

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 the next general election in the month of November following passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended to amend the referendum and initiative provisions so that initiative and referendum elections can be held at the same time as previously scheduled statewide elections within six months?”

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 amendments, the Governor shall proclaim that fact without delay and the amendments 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 purposes of this referendum.

STATEMENT OF FACT

This constitutional amendment would save the State tens of thousands of dollars a year, by repealing the provisions of the initiative and referendum petition sections which presently require elections to be held 4 to 6 months after the Governor's declaration, which sometimes forces the State to hold 3 or 4 elections in one calendar year. This amendment to the Constitution would provide that the election be held at the next election conducted by the State, if that previously scheduled election is within 6 months.