

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 65

H.P. 59 House of Representatives, January 5, 1983
Reference to the Committee on State Government suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Webster of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

RESOLUTION, Proposing an Amendment to
the Constitution of Maine to Prevent
Initiated Legislation Rejected by
the Electors at Referendum from being
Reinitiated Unless Accompanied
by Twice the Number of
Signatures Required.

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

Constitution, Art. IV, Pt. 3, §18, sub-§1, as
amended by C.R. 1979, c. 3, is further amended to
read:

1. Petition procedure. The Except as otherwise
provided in subsection 4, the electors may propose to
the Legislature for its consideration any bill,

1 resolve or resolution, including bills to amend or
2 repeal emergency legislation but not an amendment of
3 the State Constitution, by written petition addressed
4 to the Legislature or to either branch thereof and
5 filed in the office of the Secretary of State by the
6 hour of five o'clock, p.m., on or before the fiftieth
7 day after the date of convening of the Legislature in
8 first regular session or on or before the twenty-
9 fifth day after the date of convening of the Legis-
10 lature in second regular session. If the fiftieth or
11 twenty-fifth day, whichever applies, is a Saturday,
12 Sunday, or legal holiday, the period runs until the
13 hour of five o'clock, p.m., of the next day which is
14 not a Saturday, Sunday, or legal holiday.

15 Constitution, Art. IV, Pt. 3, §18, sub-§4 is
16 enacted to read:

17 4. Previously considered petitions. No bill,
18 resolve or resolution may be proposed to the Legis-
19 lature for its consideration as provided in this
20 section if the subject matter of the bill, resolve or
21 resolution is the same as, or substantially similar
22 to, that of a bill, resolve or resolution rejected by
23 the electors at a referendum within 5 years of the
24 November election at which the issue to be presented
25 would be considered if not approved by the Legis-
26 lature, unless the petition bears twice the number of
27 verified signatures that would otherwise be required
28 under subsection 2. The Attorney General shall
29 determine, within thirty days of being presented with
30 a written request for a determination, whether or not
31 the subject matter of a proposed initiative petition
32 is the same as, or substantially similar to, that
33 contained in an initiated bill, resolve or resolution
34 rejected by the electors within the time period
35 specified in this subsection.

36 Constitutional referendum procedure; form of
37 question; effective date. Resolved: That the city
38 aldermen, town selectmen and plantation assessors of
39 this State shall notify the inhabitants of their
40 respective cities, towns and plantations to meet, in
41 the manner prescribed by law for holding a statewide
42 election, at a statewide election, on the Tuesday
43 following the first Monday of November following the
44 passage of this resolution, to vote upon the ratifi-

1 cation of the amendments proposed in this resolution
2 by voting upon the following question:

3 "Shall the Constitution of Maine be amended as
4 proposed by a resolution of the Legislature to
5 prevent initiated legislation rejected by the
6 electors at referendum from being reinitiated
7 unless accompanied by twice the number of
8 signatures required?"

9 The legal voters of each city, town and
10 plantation shall vote by ballot on this question, and
11 shall designate their choice by a cross or check mark
12 placed within the corresponding square below the word
13 "Yes" or "No." The ballots shall be received,
14 sorted, counted and declared in open ward, town and
15 plantation meetings and returns made to the Secretary
16 of State in the same manner as votes for members of
17 the Legislature. The Governor shall review the
18 returns and, if it appears that a majority of the
19 legal votes are in favor of the amendments, the Gov-
20 ernor shall proclaim that fact without delay and the
21 amendments shall become part of the Constitution on
22 the date of the proclamation.

23 **Secretary of State shall prepare ballots.**
24 **Resolved:** That the Secretary of State shall prepare
25 and furnish to each city, town and plantation all
26 ballots, returns and copies of this resolution neces-
27 sary to carry out the purposes of this referendum.

28 STATEMENT OF FACT

29 The purpose of this constitutional amendment is
30 to prevent the resubmission of initiated bills to the
31 Legislature and the electorate that had recently been
32 rejected by the electorate at referendum. Specifi-
33 cally, the bill prohibits the initiation of legis-
34 lation, by way of the initiative process set out in
35 the Constitution of Maine, Article IV, Part 3,
36 Section 18, if the same or substantially similar
37 legislation had been presented and rejected by the
38 voters within the last 5 years. The bill may be pre-
39 sented, if it is accompanied by twice the number of
40 verified signatures required to initiate legislation.
41 The Attorney General shall determine whether proposed

1 initiated legislation is the same as, or substan-
2 tially similar to, that already considered and
3 rejected.

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