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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 821

S.P. 252

In Senate, February 6, 1997

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the Biennial Budget May Take Effect Immediately if Passed by a Majority Vote.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by President LAWRENCE of York.

Cosponsored by Representative AHEARNE of Madawaska and

Senators: MICHAUD of Penobscot, PINGREE of Knox, RAND of Cumberland,

Representatives: KONTOS of Windham, MITCHELL of Vassalboro, SAXL of Portland.

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

4

2

Constitution, Art. IV, Part Third, §16 is amended to read:

6

8

10

12

14

16

18

20

2.2

24

Section 16. Acts become effective in 90 days after recess; exceptions; emergency bill defined. No Act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until 90 days after the recess of the session of the Legislature in which it was passed, unless in case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the Act, the Legislature shall, by a vote of 2/3 of all the members elected to each House, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than 5 years of real estate.

26

28

30

Notwithstanding this section, a comprehensive Act that provides funding for existing governmental programs and services without making substantive changes in those programs or services takes effect immediately after being signed by the Governor if the Legislature, by majority vote, so directs.

32

34

; and be it further

36

38

40

42

44

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers 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 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:

46 48 "Do you favor amending the Constitution of Maine to allow a budget bill that funds existing programs and services without making substantive changes in them to become effective immediately after the Governor signs the bill, if a majority of the Legislature so directs?"

50

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must 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 cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

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.

б

SUMMARY

This resolution proposes an amendment to the Constitution of Maine to allow budget bills that fund existing programs, known as "Part I" budget bills, to take effect immediately after they are signed by the Governor, if the Legislature so directs by a majority vote. If the Legislature does not so direct, the rules applicable to other types of bills determine the effective date.