

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1669

H.P. 1196

House of Representatives, May 2, 2019

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Help Ensure That Direct Initiatives of Legislation Are
Compatible with the Constitution of Maine and Statutory Law**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative O'CONNOR of Berwick.
Cosponsored by Senator FOLEY of York and
Representatives: BRADSTREET of Vassalboro, DeVEAU of Caribou, HAGGAN of
Hampden, JOHANSEN of Monticello, SAMPSON of Alfred, STEWART of Presque Isle,
Senators: DOW of Lincoln, TIMBERLAKE of Androscoggin.

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

4 **Constitution, Art. IV, Pt. Third, §20** is amended to read:

5 **Section 20. Meaning of words "electors," "people," "recess of**
6 **Legislature," "statewide election," "measure," "circulator," and "written**
7 **petition"; written petitions for people's veto; written petitions for direct**
8 **initiative.** As used in any of the 3 preceding sections or in this section the words
9 "electors" and "people" mean the electors of the State qualified to vote for Governor;
10 "recess of the Legislature" means the adjournment without day of a session of the
11 Legislature; "statewide election" means any election held throughout the State on a
12 particular day; "measure" means an Act, bill, resolve or resolution proposed by the
13 people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means
14 a person who solicits signatures for written petitions, and who must be a resident of this
15 State and whose name must appear on the voting list of the city, town or plantation of the
16 circulator's residence as qualified to vote for Governor; "written petition" means one or
17 more petitions written or printed, or partly written and partly printed, with the original
18 signatures of the petitioners attached, verified as to the authenticity of the signatures by
19 the oath of the circulator that all of the signatures to the petition were made in the
20 presence of the circulator and that to the best of the circulator's knowledge and belief
21 each signature is the signature of the person whose name it purports to be, and
22 accompanied by the certificate of the official authorized by law to maintain the voting list
23 or to certify signatures on petitions for voters on the voting list of the city, town or
24 plantation in which the petitioners reside that their names appear on the voting list of the
25 city, town or plantation of the official as qualified to vote for Governor. The oath of the
26 circulator must be sworn to in the presence of a person authorized by law to administer
27 oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17
28 must be submitted to the appropriate officials of cities, towns or plantations, or state
29 election officials as authorized by law, for determination of whether the petitioners are
30 qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed
31 in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a
32 legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
33 holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third,
34 Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or
35 state election officials as authorized by law, for determination of whether the petitioners
36 are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be
37 filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or
38 a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
39 holiday. Such officials must complete the certification of only those petitions submitted
40 by these deadlines and must return them to the circulators or their agents within 2 days
41 for a petition for a people's veto and within 5 days for a petition for a direct initiative,
42 Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were
43 submitted to them. Signatures on petitions not submitted to the appropriate local or state
44 officials by these deadlines may not be certified. The petition shall set forth the full text
45 of the measure requested or proposed. Petition forms ~~shall~~ may be furnished or approved

1 by the Secretary of State upon written application signed and notarized and submitted to
2 the office of the Secretary of State, the office of the Governor, the office of the Attorney
3 General and the Legislature by a resident of this State whose name must appear on the
4 voting list of the city, town or plantation of that resident as qualified to vote for Governor.
5 The Secretary of State, the Governor, the Attorney General and the Legislature shall
6 review a measure requested or proposed and determine whether the measure is
7 compatible with the Constitution and statutory law. If the Secretary of State, the
8 Governor, the Attorney General or the Legislature determines that the measure is not
9 compatible with the Constitution or statutory law, the Secretary of State may not furnish
10 or approve petition forms for the measure. The full text of a measure submitted to a vote
11 of the people under the provisions of the Constitution need not be printed on the official
12 ballots, but, until otherwise provided by the Legislature, the Secretary of State shall
13 prepare the ballots in such form as to present the question or questions concisely and
14 intelligibly.

15 **Constitutional referendum procedure; form of question; effective date.**

16 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
17 respective cities, towns and plantations to meet, in the manner prescribed by law for
18 holding a statewide election, at a statewide election held in the month of November
19 following the passage of this resolution, to vote upon the ratification of the amendment
20 proposed in this resolution by voting upon the following question:

21 "Do you favor amending the Constitution of Maine to establish a process
22 to help ensure that direct initiatives of legislation are compatible with the
23 Constitution of Maine and statutory law?"

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

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

35 **SUMMARY**

36 This resolution proposes to amend the Constitution of Maine to require that a person
37 who requests a petition form for a direct initiative of legislation must submit a written
38 application for a petition form to the office of the Secretary of State, the office of the
39 Governor, the office of the Attorney General and the Legislature. The Secretary of State,
40 the Governor, the Attorney General and the Legislature must review a direct initiative of
41 legislation and determine whether it is compatible with the Constitution of Maine and
42 statutory law. If the Secretary of State, the Governor, the Attorney General or the

1 Legislature determines that the measure is not compatible with the Constitution of Maine
2 or statutory law, the Secretary of State may not furnish or approve petition forms for the
3 direct initiative of legislation.