

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1685

H.P. 1120

House of Representatives, April 17, 2025

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning the Direct Initiative Process

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COLLAMORE of Pittsfield.

Cosponsored by Representatives: EDER of Waterboro, LANIGAN of Sanford, PERKINS of Dover-Foxcroft, QUINT of Hodgdon, ROBERTS of South Berwick, SOBOLESKI of Phillips,
Senator: STEWART of Aroostook.

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 Third, §18, sub-§2** is repealed and the following
5 enacted in its place:

6 **2. Number of signatures necessary on direct initiative petitions; dating signatures**
7 **on petitions.** For any measure thus proposed by electors, the number of signatures may
8 not be less than 10% of the total vote for Governor cast in the last gubernatorial election
9 preceding the filing of such petition. The date each signature was made must be written
10 next to the signature on the petition. A signature is not valid if it is dated more than one
11 year prior to the date that the petition was filed in the office of the Secretary of State.

12 **Constitution, Art. IV, Pt. Third, §18, sub-§2-A** is enacted to read:

13 **2-A. Referral to electors; special elections.** The measure thus proposed must be
14 submitted to the electors if the Legislature in the session at which the measure is presented
15 either:

16 A. Does not enact the measure; or

17 B. Enacts an amended form of or substitute to the measure by an affirmative vote of a
18 majority of the members of each House, but less than 2/3 of the members of each
19 House.

20 If the Legislature enacts the measure without change or enacts an amended form of or
21 substitute to the measure by an affirmative vote of 2/3 of the members of each House
22 present and voting, the measure may not go to a referendum vote unless in pursuit of a
23 demand made in accordance with section 17.

24 The Legislature may order a special election on any measure that is subject to a vote of the
25 people.

26 **Constitution, Art. IV, Pt. Third, §18, sub-§2-B** is enacted to read:

27 **2-B. Referendums for competing measures.** When the Legislature in the session at
28 which the measure was proposed enacts an amended form of or substitute to the measure
29 proposed, by an affirmative vote of a majority of the members of each House, but less than
30 2/3 of the members of each House, the original measure, together with any amended form,
31 substitute or recommendation of the Legislature must be submitted to the electors in such
32 manner that the people can choose between the competing measures or reject both. When
33 there are competing measures and neither receives a majority of the votes given for or
34 against both, the one receiving the most votes shall at the next statewide election to be held
35 not less than 60 days after the first vote thereon be submitted by itself if it receives more
36 than 1/3 of the votes given for and against both.

37 **Constitution, Art. IV, Pt. Third, §18, sub-§3** is amended to read:

38 **3. Timing of elections; proclamation by Governor.** The Governor shall, by
39 proclamation, order that any measure proposed to the Legislature ~~as herein provided, and~~
40 ~~not enacted by the Legislature without change,~~ that is required to be referred to the electors
41 under subsection 2-A, including any amended or substitute forms of the measure as may
42 be required, be referred to the people at an election to be held in November of the year in

1 which the petition is filed. If the Governor fails to order such a measure ~~proposed to the~~
2 ~~Legislature and not enacted without change, including any amended or substitute forms,~~ to
3 be submitted to the people at such an election by proclamation within 10 days after the
4 recess of the Legislature to which the measure was proposed, the Secretary of State shall,
5 by proclamation, order such measure, including any amended or substitute forms, to be
6 submitted to the people at an election as requested, and such order shall be sufficient to
7 enable the people to vote.

8 **Constitution, Art. IV, Pt. Third, §19** is amended to read:

9 **Section 19. Effective date of measures approved by people; veto power**
10 **limited.** Any measure referred to the people and approved by a majority of the votes given
11 thereon shall, unless a later date is specified in said measure, take effect and become a law
12 in 30 days after the Governor has made public proclamation of the result of the vote on said
13 measure, which the Governor shall do within 10 days after the vote thereon has been
14 canvassed and determined; provided, however, that any such measure which entails
15 expenditure in an amount in excess of available and unappropriated state funds shall remain
16 inoperative until 45 days after the next convening of the Legislature in regular session,
17 unless the measure provides for raising new revenues adequate for its operation. The veto
18 power of the Governor shall not extend to any measure approved by vote of the people, ~~and~~
19 ~~any.~~ Any measure initiated by the people and that was passed by the Legislature without
20 change, or an amended form of or substitute to the measure proposed by the people that
21 was passed by an affirmative vote of 2/3 of the members of each House present and voting,
22 if vetoed by the Governor, and if the veto is sustained by the Legislature ~~shall,~~ must be
23 referred to the people to be voted on at the next general election. The Legislature may
24 enact measures expressly conditioned upon the people's ratification by a referendum vote.

25 **Constitutional referendum procedure; form of question; effective date.**
26 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
27 respective cities, towns and plantations to meet, in the manner prescribed by law for holding
28 a statewide election, at a statewide election held in the month of November following the
29 passage of this resolution, to vote upon the ratification of the amendment proposed in this
30 resolution by voting upon the following question:

31 "Do you favor amending the Constitution of Maine to allow a measure
32 proposed by the people by written petition to become law without going to
33 the people for a referendum vote if the Legislature has agreed by a vote of
34 2/3 of the members of each House to enact an amended version of the
35 measure proposed by the people?"

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

SUMMARY

This resolution proposes to amend the Constitution of Maine by modifying the direct initiative process to remove the requirement that a measure proposed by the people must go to referendum vote before becoming law when the Legislature has enacted an amended form of the measure proposed by the people or a substitute to the measure proposed by the people by an affirmative vote of 2/3 of the members of each House present and voting. The resolution clarifies that if the Governor vetoes the measure, and the veto is sustained by the Legislature, the measure must then be referred to a referendum.

The resolution clarifies that in the case that the Legislature has enacted an amended form of the measure proposed by the people or a substitute to the measure proposed by the people by a majority vote, but does not reach the 2/3 threshold, both the original and amended version of the measure must be sent to a referendum in such a manner that the people can choose one or the other, or reject both.

The resolution also makes organizational changes to improve clarity.