

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-881)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1638, L.D. 1747, RESOLUTION,
Proposing an Amendment to the Constitution of Maine to Amend the
Referendum and Initiative Provisions.

Amend the resolution by striking out everything after the
2nd paragraph and inserting in its place the following:

Section 17. Proceedings for referendum, proclamation by
Governor people's veto.

1. Petition procedure. 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 preced-
ing 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 or before 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~~ statewide election.

2. Effect of referendum. 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.

3. Referral to electors. 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~~ statewide election not less than sixty days after such proclamation, or in case of no ~~general~~ statewide 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~~ sixty days 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 statewide 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.

1. Petition procedure. 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 or before the fiftieth day after the date of convening of the Legislature in first regular session or on or before the twenty-fifth day after the date of convening of the Legislature in second regular session. If the fiftieth or twenty-fifth day, whichever applies, is a Saturday, Sunday, or legal holiday, the period runs until the hour of five o'clock, p.m., of the next day which is not

a Saturday, Sunday, or a legal holiday.

2. Referral to electors unless enacted by the Legislature without change. 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 statewide 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.

3. Timing of elections. 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 ~~special~~ an 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 ~~special~~ an election as requested, and such order shall be sufficient to enable the people to vote.

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

As used in any of the three preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "general statewide election" means ~~the November election for choice of presidential electors, Governor and other state and county officers~~ any election held throughout the State on a particular day; "measure" means an

Act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor.

Constitution, Art. IV, Pt. 3, §20, 3rd sentence, as enacted by CR 1975, c.2, is amended to read:

Written petitions for a ~~referendum~~ people's veto pursuant to Article IV, Part 3, Section 17 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 fifth day before the petition must be filed in the office of the Secretary of State, or, if such fifth day is a Saturday, a Sunday or a legal holiday, by five o'clock, p.m., on the next day which is not a Saturday, a Sunday or a legal holiday.

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

Written petitions for ~~an~~ a direct 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.

Constitution, Art. IV, Pt. 3, §21, 1st sentence, is amended to read:

The city council of any city may establish the direct initiative and referendum people's veto for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such direct initiative and referendum people's veto shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election.

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 change the referendum provisions so that the direct initiative and people's veto elections can be held at the same time as a scheduled statewide election?"

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

The purpose of this amendment is to clarify the existing initiative and referendum sections of the Constitution of Maine by subdividing the existing sections into subsections. Additional language changes are made.

The term "people's veto" is substituted for "referendum" in section 17.

The filing deadlines in both direct initiative and people's veto sections have been amended to make clear that petitions may be filed anytime before the specified deadline.

The term "statewide election" is substituted for the terms "general or special election" throughout the amendment. It is defined in section 20, and encompasses primary and regular as well as general and special elections.

Section 17, subsection 3 has been drafted to retain the

Governor's discretionary power to order a special election if there is no statewide election. It increases the time span in which he may order such special election from between four and six months to between sixty days and six months. It removes the power of the petitioners to compel the Governor to order such a special election.

Subsection 3 directly refers the duty to order an election to the Secretary of State when the Governor fails to do so. It removes the present requirement that the Governor must have been requested by the petitioners to order the measure submitted in order for the duty to pass to the Secretary of State.

Section 18, subsection one conforms the filing deadline to the dual regular session system, and extends the filing date if the last day is a legal holiday.

Section 18, subsection 3 removes the power of the petitioners to compel the Governor to order a special election, and provides that the election shall take place in November of the year in which the petition is filed. It again removes the requirement that the Governor must have been requested in the petition to order the election in order for the duty to pass to the Secretary of State upon the Governor's inaction.