

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 808

H.P. 590

House of Representatives, March 16, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative HEPBURN of Skowhegan.

Cosponsored by Senator TWITCHELL of Oxford and Representative AIKMAN of Poland.

STATE OF MAINE

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

**RESOLUTION, Proposing An Amendment to the Constitution of
Maine to Allow for the Popular Initiation of Amendments to the Maine
Constitution.**



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

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

7 **Section 18-A. Direct initiative of an amendment to the**
Constitution of Maine.

9
11 **1. Petition procedure.** The electors may propose to the
Legislature an amendment to the Constitution of Maine, by written
petition addressed to the Legislature or to either branch of the
13 Legislature and filed in the office of the Secretary of State by
the hour of 5:00 p.m., on or before the 50th day after the date
15 of convening of the Legislature in first regular session or on or
before the 25th day after the date of convening of the
17 Legislature in second regular session. If the 50th or 25th day,
whichever applies, is a Saturday, Sunday or legal holiday, the
19 period runs until the hour of 5:00 p.m. of the next day which is
not a Saturday, Sunday or legal holiday.

21
23 **2. Referral to electors unless enacted by the Legislature**
without change. For any amendment thus proposed by electors, the
number of signatures shall not be less than 15% of the total vote
25 for Governor cast in the last gubernatorial election preceding
the filing of that petition. The date each signature was made
27 shall be written next to the signature on the petition, and no
signature older than one year from the written date on the
29 petition shall be valid. The amendment thus proposed, unless
enacted without change by the Legislature at the session at which
31 it is presented, shall be submitted to the electors together with
any amended form, substitute or recommendation of the
33 Legislature, and in the manner that the people can choose between
the competing amendments or reject both. When there are
35 competing amendments and neither receives a majority of the votes
given for or against both, the one receiving the most votes
37 shall, at the next statewide election to be held not less than 60
days after the first vote thereon, be submitted by itself if it
39 receives more than one third of the votes given for and against
both. If the measure initiated is enacted by the Legislature
41 without change, it shall not go to a referendum vote unless in
pursuance of a demand made in accordance with the preceding
43 section. The Legislature may order a special election on any
amendment that is subject to a vote of the people.

45
47 **3. Timing of elections.** The Governor shall, by
proclamation, order any amendment proposed to the Legislature as
provided in this section, and not enacted by the Legislature
49 without change, referred to the people at an election to be held
in November of the year in which the Legislature is to convene in
51 first regular session. If the Governor fails to order an
amendment proposed to the Legislature and not enacted without

1 change to be submitted to the people at an election by
2 proclamation within 10 days after the recess of the Legislature
3 to which the amendment was proposed, the Secretary of State
4 shall, by proclamation, order that amendment to be submitted to
5 the people at an election as requested, and that order shall be
6 sufficient to enable the people to vote.

7
8 **Constitutional referendum procedure; form of question; effective**
9 **date. Resolved:** That the city aldermen, town selectmen and
10 plantation assessors of this State shall notify the inhabitants
11 of their respective cities, towns and plantations to meet, in the
12 manner prescribed by law for holding a statewide election, at a
13 statewide election, on the Tuesday following the first Monday of
14 November following the passage of this resolution, to vote upon
15 the ratification of the amendment proposed in this resolution by
16 voting upon the following question:

17
18 "Shall the Constitution of Maine be amended to allow
19 amendments to the Constitution of Maine by voter initiative?"

20
21 The legal voters of each city, town and plantation shall
22 vote by ballot on this question, and shall designate their choice
23 by a cross or check mark placed within the corresponding square
24 below the word "Yes" or "No." The ballots shall be received,
25 sorted, counted and declared in open ward, town and plantation
26 meetings and returns made to the Secretary of State in the same
27 manner as votes for members of the Legislature. The Governor
28 shall review the returns and, if it appears that a majority of
29 the legal voters are in favor of the amendment, the Governor
30 shall proclaim that fact without delay and the amendment shall
31 become part of the Constitution on the date of the proclamation.

32
33 **Secretary of State shall prepare ballots. Resolved:** That the
34 Secretary of State shall prepare and furnish to each city, town
35 and plantation all ballots, returns and copies of this resolution
36 necessary to carry out the purposes of this referendum.
37

38 STATEMENT OF FACT

39
40
41 This resolution allows voters to amend the State
42 Constitution by direct initiative. It parallels Article IV, Part
43 Third, Section 18 providing direct initiative of legislation
44 except that a petition requesting an amendment must be signed by
45 15% of voters and elections on amendment questions may only be
46 held in November of the year that the Legislature convenes in the
47 first regular session.