

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1336

H.P. 994

House of Representatives, April 23, 1993

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative.

Received by the Clerk of the House on April 21, 1993. Referred to the Committee on State and Local Government and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MICHAEL of Auburn.
Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, LEMKE of Westbrook, TUFTS of Stockton Springs, YOUNG of Limestone, Senator: LUTHER of Oxford.

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

6 Constitution, Art. X, §4-A is enacted to read:

8 Section 4-A. Direct initiation of amendments to
Constitution. The electors may initiate proposals to the
Legislature to amend the Constitution as provided in this section.

10
12 1. Petition procedure. The electors commence direct
initiation of a constitutional amendment by a petition addressed
to the Legislature or to either branch of the Legislature and
14 filed in the office of the Secretary of State. The number of
signatures on the petition must be at least 10% of the total vote
16 for Governor cast in the last gubernatorial election preceding
the filing of the petition. The date each signature was made
18 must be written next to the signature and any signature older
than one year from the date the petition is filed is not valid.

20
22 2. Referral of amendment to electors. An amendment to the
Constitution initiated by the electors must be submitted to the
electors for approval at the next statewide election. If 2/3 of
24 the votes are in favor of the proposed amendment to the
Constitution, it must be submitted to the Legislature for
26 ratification.

28 3. Ratification by Legislature. If the amendment is
approved by the voters, the Legislature shall vote on
30 ratification of that amendment within 60 days of convening at the
next regular session. The measure must be presented for
32 ratification first in the House of Representatives and then in
the Senate. Ratification requires a majority vote of the entire
34 membership in each House. If the Legislature adjourns without
voting on ratification, the Governor shall call the Legislature
36 into special session within 30 days of adjournment for the
purpose of voting on ratification.

38
40 4. Presentment to Governor. If ratified by the
Legislature, the amendment must be presented to the Governor for
approval. If approved and signed by the Governor, the amendment
42 takes effect immediately. If not approved, the Governor shall
return it with objections noted to the House of Representatives.
44 The process for reconsideration by the Legislature is the same as
that provided in Article IV, Part Third, Section 2 for bills,
46 except that a majority vote of both Houses is required to pass
the amendment over the Governor's objection. If passed over the
48 Governor's objections, the amendment takes effect immediately.

50 ; and be it further

2 **Constitutional referendum procedure; form of question; effective**
3 **date. Resolved:** That the municipal officers of this State shall
4 notify the inhabitants of their respective cities, towns and
5 plantations to meet, in the manner prescribed by law for holding
6 a statewide election, at a statewide election, on the Tuesday
7 following the first Monday of November following the passage of
8 this resolution, to vote upon the ratification of the amendment
9 proposed in this resolution by voting upon the following question:

10 "Do you favor amending the Constitution of Maine to allow
11 Maine citizens to initiate amendments to the Constitution?"

12
13 The legal voters of each city, town and plantation shall
14 vote by ballot on this question, and shall designate their choice
15 by a cross or check mark placed within the corresponding square
16 below the word "Yes" or "No." The ballots must be received,
17 sorted, counted and declared in open ward, town and plantation
18 meetings and returns made to the Secretary of State in the same
19 manner as votes for members of the Legislature. The Governor
20 shall review the returns and, if it appears that a majority of
21 the legal votes are cast in favor of the amendment, the Governor
22 shall proclaim that fact without delay and the amendment becomes
23 part of the Constitution on the date of the proclamation; and be
24 it further

25
26 **Secretary of State shall prepare ballots. Resolved:** That the
27 Secretary of State shall prepare and furnish to each city, town
28 and plantation all ballots, returns and copies of this resolution
29 necessary to carry out the purposes of this referendum.
30

31
32 **STATEMENT OF FACT**

33
34 This constitutional resolution amends the Constitution of
35 Maine to permit citizens to initiate amendments to the
36 Constitution. A citizen-initiated amendment requires approval by
37 2/3 of the voters at a referendum, ratification by a majority of
38 the Legislature and signature of the Governor. The Governor's
39 veto of the amendment may be overridden by a majority vote in
40 both Houses.