MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 305

H.P. 227

House of Representatives, January 27, 1995

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

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

OSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook. Cosponsored by Representatives: AHEARNE of Madawaska, GERRY of Auburn. Constitutional amendment. RESOLVED: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

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

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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.

1. Petition procedure. The electors may directly initiate a constitutional amendment by a petition addressed to the Legislature or to either branch of the Legislature and 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 for Governor cast in the last gubernatorial election preceding the filing of the petition. The date each signature was made must be written next to the signature and any signature older than one year from the date the petition is filed is not valid.

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 the votes are in favor of the proposed amendment to the Constitution, the proposed amendment must be submitted to the Legislature for ratification.

3. Ratification by Legislature. If the amendment is

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

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 takes effect immediately. If not approved, the Governor shall return the amendment with objections noted to the House of Representatives. The process for reconsideration by the Legislature is the same as that provided in Article IV, Part Third, Section 2 for bills, except that a majority vote of both Houses is required to pass the amendment over the Governor's objections. If passed over the Governor's objections, the amendment takes effect immediately.

; and be it further

Constitutional referendum procedure: form of question; effective date. Resolved: That the municipal officers 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 a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

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

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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 must 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 cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

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

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