MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 877

S.P. 269

In Senate, February 6, 1997

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Process for Inclusion of a Competing Measure.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BUTLAND of Cumberland.

Cosponsored by Senators: CASSIDY of Washington, HALL of Piscataquis, KIEFFER of Aroostook, Representatives: BUCK of Yarmouth, TAYLOR of Cumberland.

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

4

2

Constitution, Art. IV, Part Third, §18, sub-§2 is amended to read:

6

8

10

12

14

16

18

20

22

24

26

28

30

32

34

36

38

40

Referral to electors unless enacted by the Legislature without change; number of signatures necessary on direct initiative petitions; dating signatures on petitions; competing measures. For any measure thus proposed by electors, the number of signatures shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition. The date each signature was made shall be written next to the signature on the petition, signature older than one year from the written date on the petition shall be valid. The measure thus proposed, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with amended form, substitute, recommendation or Legislature made or enacted at that legislative session, and in such manner that the people can choose between the competing measures or reject both. The Legislature may, by a majority vote of both houses, extend its session up to 30 days beyond the adjournment date set by statute in order to formulate a competing measure in the session at which the initiated measure was presented. 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 statewide election to be held not less than 60 days after the first vote thereon be submitted by itself if it receives more than 1/3 of the votes given for and against both. If an election held pursuant to this section is pending after final adjournment of the legislative session at which the initiated measure was presented, the Legislature may not enact laws on the same subject as any measure to be voted upon until after that vote has occurred. 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. Legislature may order a special election on any measure that is subject to a vote of the people.

42

; and be it further

44

46

48

50

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

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 provide that only measures enacted during the same legislative session in which a citizen-initiated measure is presented may be placed on the ballot as competing measures?"

10

12

14

16

18

20

8

2

4

- 6

The legal voters of each city, town and plantation shall vote by ballot on this question and 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

22

24

26

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 purpose of this referendum.

28

SUMMARY

30

32

34

36

38

40

This resolution proposes an amendment to the Constitution of Maine to clarify when a legislative act is considered a "competing measure" to a citizen-initiated measure. It provides that only legislative acts taken in the same session in which the citizen-initiated measure was presented to the Legislature are competing measures to the citizen-initiated measure. If an election is pending after final adjournment of the session in which the initiated measure was presented, the Legislature is prohibited from enacting law on the same subject matter as the measure to be voted on, until the vote has been completed.