

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2270

S.P. 857

In Senate, March 10, 1998

Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto.

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

A handwritten signature in black ink, appearing to read "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin.

Cosponsored by Senators: ABROMSON of Cumberland, GOLDTHWAIT of Hancock, NUTTING of Androscoggin, Representatives: BUMPS of China, CAMERON of Rumford, ETNIER of Harpswell, SHIAH of Bowdoinham, TAYLOR of Cumberland.

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

6 **Constitution, Art. IV, Part Third, §17, sub-§1** is amended to read:
8

10 1. Petition procedure; petition for people's veto. Upon
written petition of electors, the number of which shall not be
less than 10% of the total vote for Governor cast in the last
12 gubernatorial election preceding the filing of such petition, and
addressed to the Governor and filed in the office of the
Secretary of State by the hour of 5:00 p.m., on or before the
14 90th day after the recess of the Legislature, or if such 90th day
is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00
16 p.m., on the preceding day which is not a Saturday, a Sunday, or
a legal holiday, requesting that one or more Acts, bills,
18 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,
20 bills, resolves, or resolutions or part or parts thereof as are
specified in such petition shall not take effect until 30 days
22 after the Governor shall have announced by public proclamation
24 that the same have been ratified by a majority of the electors
voting thereon at a statewide or general election.

26 **Constitution, Art. IV, Part Third, §17, sub-§3** is amended to read:
28

30 3. Referral to electors; proclamation by Governor. As soon
as it appears that the effect of any Act, bill, resolve, or
resolution or part or parts thereof has been suspended by
32 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 statewide
34 or general election, whichever comes first, not less than 60 days
after such proclamation,--or--in--case--of--no--statewide--election
36 within--6--months--thereafter--the--Governor--may--order--such--measure
submitted--to--the--people--at--a--special--election--not--less--than--60
38 days--nor--more--than--6--months--after--proclamation--thereef. If the
40 Governor fails to order such measure to be submitted to the
people at the next statewide or general election, the Secretary
42 of State shall, by proclamation, order such measure to be
submitted to the people at such an election and such order shall
44 be sufficient to enable the people to vote.
46

; and be it further

48 **Constitutional referendum procedure; form of question; effective
date. Resolved:** That the municipal officers of this State shall
notify the

2 inhabitants of their respective cities, towns and plantations to
3 meet, in the manner prescribed by law for holding a general
4 election, at the next general election in the month of November
5 following the passage of this resolution, to vote upon the
6 ratification of the amendment proposed in this resolution by
7 voting upon the following question:

8 "Do you favor amending the Constitution of Maine to require
9 that a petition for a people's veto be voted on at the next
10 statewide or general election, rather than at a special
11 election ?"

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

23 **Secretary of State shall prepare ballots. Resolved:** That the
24 Secretary of State shall prepare and furnish to each city, town
25 and plantation all ballots, returns and copies of this resolution
26 necessary to carry out the purpose of this referendum.

28

SUMMARY

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32 This resolution requires that a petition for a people's veto
33 be submitted to the people either at a regular statewide or
34 general election, whichever comes first, not less than 60 days
35 after the Governor's proclamation that the petition will be
36 submitted to the voters. This resolution eliminates language in
37 the Constitution of Maine that authorizes the Governor to call a
38 special election for purposes of submitting a petition for a
39 people's veto to the voters.