



119th MAINE LEGISLATURE

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Legislative Document

No. 122

S.P. 52

In Senate, January 11, 1999

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 Legal and Veterans Affairs suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator LONGLEY of Waldo.

Cosponsored by Senators: HARRIMAN of Cumberland, PINGREE of Knox, RAND of Cumberland, Representatives: MAYO of Bath, TOWNSEND of Portland, PERKINS of Penobscot, PINKHAM of Lamoine, ROSEN of Bucksport, STANWOOD of Southwest Harbor. **Constitutional amendment. Resolved:** Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

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

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Petition procedure; petition for people's veto. Upon 1. written petition of electors, the number of which shall not be 8 less than 10% of the total vote for Governor cast in the last qubernatorial election preceding the filing of such petition, and 10 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 12 90th day after the recess of the Legislature, or if such 90th day 14 is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 p.m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, 16 resolves or resolutions, or part or parts thereof, passed by the 18 Legislature but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are 20 specified in such petition shall not take effect until 30 days after the Governor shall have announced by public proclamation 22 that the same have been ratified by a majority of the electors voting thereon at a statewide or general election. 24

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

28 3. Referral to electors; proclamation by Governor. As soon as it appears that the effect of any Act, bill, resolve, or 30 resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation 32 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-ease--of--no--statewide--election 36 within-6-months-thoreafter--the-Governor-may-order-such-measure submitted-to-the-people-at-a-special-election-net-less-than-60 38 days-nor-more-than-6-months-after-proclamation-thereef. If the Governor fails to order such measure to be submitted to the 40 people at the next statewide or general election, the Secretary of State shall, by proclamation, order such measure to be 42 submitted to the people at such an election and such order shall be sufficient to enable the people to vote.

; and be it further

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

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:

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

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The legal voters of each city, town and plantation shall 14 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, 16 counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as 18 votes for members of the Legislature. The Governor shall review 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 that fact without delay and the amendment becomes part of the 22 Constitution on the date of the proclamation; and be it further 24

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.

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SUMMARY

This resolution requires that a petition for a people's veto 34 be submitted to the people either at a regular statewide or general election, whichever comes first, not less than 60 days 36 after the Governor's proclamation that the petition will be submitted to the voters. This resolution eliminates language in 38 the Constitution of Maine that authorizes the Governor to call a special election for purposes of submitting a petition for a 40 people's veto to the voters.