

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 199

H.P. 188

House of Representatives, January 18, 2001

**RESOLUTION, Proposing An Amendment to the Constitution of Maine  
to Restrict Reintroduction of Previously Failed Citizen Initiatives.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator FERGUSON of Oxford and

Representatives: CARR of Lincoln, FOSTER of Gray, SHERMAN of Hodgdon, STANLEY  
of Medway, WINSOR of Norway, Senators: SAVAGE of Knox, SHOREY of Washington.

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. IV, Part Third, §18, sub-§1** is amended to read:

8           **1. Petition procedure.** The electors may propose to the  
Legislature for its consideration any bill, resolve or  
10 resolution, including bills to amend or repeal emergency  
legislation but not an amendment of the State Constitution and  
12 not an initiative that, within the immediately preceding 6 years,  
in the judgment of the Secretary of State, was introduced  
14 pursuant to this section and was rejected by the electors at  
referendum, by written petition addressed to the Legislature or  
to either branch thereof and filed in the office of the Secretary  
16 of State by the hour of 5:00 p.m., on or before the 50th day  
after the date of convening of the Legislature in first regular  
18 session or on or before the 25th day after the date of convening  
of the Legislature in second regular session. If the 50th or  
20 25th day, whichever applies, is a Saturday, Sunday, or legal  
holiday, the period runs until the hour of 5:00 p.m., of the next  
22 day which is not a Saturday, Sunday, or legal holiday.

24 ; and be it further

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

34           "Do you favor amending the Constitution of Maine to bar for  
36 6 years the direct initiation by a citizen of legislation  
that was rejected at referendum by the people of the State  
38 of Maine?"

40           The legal voters of each city, town and plantation shall  
vote by ballot on this question and designate their choice by a  
42 cross or check mark placed within the corresponding square below  
the word "Yes" or "No." The ballots must be received, sorted,  
44 counted and declared in open ward, town and plantation meetings  
and returns made to the Secretary of State in the same manner as  
46 votes for members of the Legislature. The Governor shall review  
the returns and, if it appears that a majority of the legal votes  
48 are cast in favor of the amendment, the Governor shall proclaim

2 that fact without delay and the amendment becomes part of the  
Constitution on the date of the proclamation; and be it further

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

## 10 SUMMARY

12 This resolution would amend the Constitution of Maine to bar  
for 6 years the direct initiation by a citizen of legislation  
14 that was rejected by the people of the State. Under this  
resolution, the issue of whether an initiative is the same as one  
16 that had failed at referendum within the preceding 6 years would  
be resolved by the Secretary of State.