

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 575

H.P. 454

House of Representatives, February 6, 2001

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

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MICHAEL of Auburn.

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

6 **Section 4-A. Direct initiation of amendments to**
8 **Constitution.** The electors may initiate proposals to the
10 Legislature to amend the Constitution as provided in this section.

12 **1. Petition procedure.** The electors commence direct
14 initiation of a constitutional amendment by a petition addressed
16 to the Legislature or to either branch of the Legislature and
18 filed in the office of the Secretary of State. The number of
20 signatures on the petition must be at least 10% of the total
 number of votes cast for Governor in the last gubernatorial
 election preceding the filing of the petition. The date each
 signature is 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.

22 **2. Referral of amendment to electors.** An amendment to the
24 Constitution initiated by the electors must be submitted to the
26 electors for approval at the next statewide election. If 2/3 of
 the votes are in favor of the proposed amendment to the
 Constitution, it must be submitted to the Legislature for
 ratification.

28 **3. Ratification by Legislature.** If the amendment to the
30 Constitution is approved by the voters, the Legislature shall
32 vote on ratification of that amendment within 60 days of
34 convening at the next regular session. The amendment to the
36 Constitution must be presented for ratification first in the
38 House of Representatives and then in the Senate. Ratification of
 the amendment to the Constitution 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.

40 **4. Presentment to Governor.** If ratified by the
42 Legislature, the amendment to the Constitution must be presented
44 to the Governor for approval. If approved and signed by the
46 Governor, the amendment to the Constitution takes effect
48 immediately. If not approved, the Governor shall return the
50 amendment to the Constitution, 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 to the Constitution over

2 the Governor's objections. If passed over the Governor's
3 objections, the amendment to the Constitution takes effect
4 immediately.

6 ; and be it further

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

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

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

32 **Secretary of State shall prepare ballots. Resolved:** That the
33 Secretary of State shall prepare and furnish to each city, town
34 and plantation all ballots, returns and copies of this resolution
35 necessary to carry out the purposes of this referendum.
36

38 SUMMARY

40 This constitutional resolution amends the Constitution of
41 Maine to permit citizens to initiate amendments to the
42 Constitution of Maine. A citizen-initiated amendment to the
43 Constitution requires approval by 2/3 of the voters at a
44 referendum, ratification by a majority of the Legislature and the
45 signature of the Governor. The Governor's veto of the amendment
46 to the Constitution may be overridden by a majority vote in both
47 Houses.
48