

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1518

S.P. 465

In Senate, March 8, 2001

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
Concerning Direct Initiative of Legislation.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.
Cosponsored by Representative TUTTLE of Sanford and
Senator DOUGLASS of Androscoggin, Representatives: O'BRIEN of Lewiston, PERKINS of
Penobscot.

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. IV, Part Third, §18, sub-§§2 and 3** are amended
6 to read:

8 **2. Referral to electors unless enacted by the Legislature**
without change; number of signatures necessary on direct
10 **initiative petitions; dating signatures on petitions; competing**
measures. For any measure thus proposed by electors, the number
12 of signatures shall not be less than 10% of the total vote for
Governor cast in the last gubernatorial election preceding the
14 filing of such petition and must include a number of signatures
of electors who are qualified to vote in the Second Congressional
16 District that equals not less than 5% of the total vote for
Governor cast in the last gubernatorial election preceding the
18 filing of such petition. The date each signature was made shall
be written next to the signature on the petition, and no
20 signature older than one year from the written date on the
petition shall be valid. The measure thus proposed, unless
22 enacted without change by the Legislature at the session at which
it is presented, shall be submitted to the electors together with
24 any amended form, substitute, or recommendation of the
Legislature, and in such manner that the people can choose
26 between the competing measures or reject both. When there are
competing bills and neither receives a majority of the votes
28 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
30 after the first vote thereon be submitted by itself if it
receives more than 1/3 of the votes given for and against both.
32 If the measure initiated is enacted by the Legislature without
change, it shall not go to a referendum vote unless in pursuance
34 of a demand made in accordance with the preceding section. The
Legislature may order a special election on any measure that is
36 subject to a vote of the people.

38 **3. Timing of elections; proclamation by Governor.** The
Governor shall, by proclamation, order any measure proposed to
40 the Legislature as herein provided, and not enacted by the
Legislature without change, referred to the people at an election
42 to be held in November of the year in which the petition is
filed. If the Governor fails to order a measure proposed to the
44 Legislature and not enacted without change to be submitted to the
people at such an election by proclamation within 10 days after
46 the recess of the Legislature to which the measure was proposed,
the Secretary of State shall, by proclamation, order such measure
48 to be submitted to the people at an election as requested, and
such order shall be sufficient to enable the people to vote. The
50 Legislature, after a failure to enact a measure without change

2 and before this measure is submitted to the electors, shall hold
3 6 public hearings on this measure. Three of these hearings must
4 be held in the First Congressional District, and 3 of these
5 hearings must be held in the Second Congressional District.

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 change
17 the process for the direct initiative of legislation, as
18 provided by law?"

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

31
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 purpose of this referendum.

38 SUMMARY

40
41 This constitutional resolution provides that 50% of the
42 required number of signatures of electors for a direct initiative
43 of legislation must be signatures of electors who are qualified
44 to vote in the Second Congressional District. It also requires
45 that the Legislature, after a failure to enact a direct
46 initiative without change and before this initiative is submitted
47 to the electors, shall hold 6 public hearings on this
48 initiative. Three of these hearings must be held in the First

2 Congressional District, and 3 of these hearings must be held in
the Second Congressional District.