

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1308

H.P. 962

House of Representatives, March 11, 2003

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Restrict the Appearance of Referenda on Ballots at  
General Elections**

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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 HOTHAM of Dixfield.  
Cosponsored by Senator LEMONT of York and  
Representatives: CANAVAN of Waterville, CLARK of Millinocket, MAKAS of Lewiston,  
MILLS of Cornville, SUKEFORTH of Union, Senator: MAYO of Sagadahoc.

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, Pt. Third, §24** is enacted to read:

6           **24. Timing of referenda.** Except for ratification of the  
8 voters pursuant to a people's veto under Article IV, Part Third,  
Section 17 or a direct initiative pursuant to Article IV, Part  
10 Third, Section 18 whenever ratification by a majority of the  
12 electors is essential to the validity of a legislative measure,  
the referendum question must appear on the ballot at a general  
election.

14           **Constitution, Art. IX, §14**, as amended by CR 2001, c. 1, is  
16 further amended to read:

18           **Section 14. Authority and procedure for issuance of bonds.**  
The credit of the State shall not be directly or indirectly  
20 loaned in any case, except as provided in sections 14-A, 14-B,  
14-C and 14-D. The Legislature shall not create any debt or  
22 debts, liability or liabilities, on behalf of the State, which  
shall singly, or in the aggregate, with previous debts and  
24 liabilities hereafter incurred at any one time, exceed  
\$2,000,000, except to suppress insurrection, to repel invasion,  
26 or for purposes of war, and except for temporary loans to be paid  
out of money raised by taxation during the fiscal year in which  
28 they are made, and except for loans to be repaid within 12 months  
with federal transportation funds in amounts not to exceed 50% of  
30 transportation funds appropriated by the Federal Government in  
the prior federal fiscal year; and excepting also that whenever  
32 2/3 of both Houses shall deem it necessary, by proper enactment  
ratified by a majority of the electors voting thereon at a  
34 general ~~or special~~ election, the Legislature may authorize the  
issuance of bonds on behalf of the State at such times and in  
36 such amounts and for such purposes as approved by such action;  
but this shall not be construed to refer to any money that has  
38 been, or may be deposited with this State by the Government of  
the United States, or to any fund which the State shall hold in  
40 trust for any Indian tribe. Whenever ratification by the  
electors is essential to the validity of bonds to be issued on  
42 behalf of the State, the question submitted to the electors shall  
be accompanied by a statement setting forth the total amount of  
44 bonds of the State outstanding and unpaid, the total amount of  
bonds of the State authorized and unissued, and the total amount  
46 of bonds of the State contemplated to be issued if the enactment  
submitted to the electors be ratified. For any bond  
48 authorization requiring ratification of the electors pursuant to  
this section, if any bonds have not been issued within 5 years of  
50 the date of ratification, then those bonds may not be issued

2 after that date. Within 2 years after expiration of that 5-year  
3 period, the Legislature may extend, by a majority vote, the  
4 5-year period for an additional 5 years or may deauthorize the  
5 bonds. If the Legislature fails to take action within those 2  
6 years, the bond issue shall be considered to be deauthorized and  
7 no further bonds may be issued. For any bond authorization in  
8 existence on November 6, 1984, and for which the 5-year period  
9 following ratification has expired, no further bonds may be  
10 issued unless the Legislature, by November 6, 1986, reauthorizes  
11 those bonds by a majority vote, for an additional 5-year period,  
12 failing which all bonds unissued under those authorizations shall  
13 be considered to be deauthorized. Temporary loans to be paid out  
14 of moneys raised by taxation during any fiscal year shall not  
15 exceed in the aggregate during the fiscal year in question an  
16 amount greater than 10% of all the moneys appropriated,  
17 authorized and allocated by the Legislature from undedicated  
18 revenues to the General Fund and dedicated revenues to the  
19 Highway Fund for that fiscal year, exclusive of proceeds or  
20 expenditures from the sale of bonds, or greater than 1% of the  
21 total valuation of the State of Maine, whichever is the lesser.

22 ; and be it further

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

32 "Do you favor amending the Constitution of Maine to allow  
33 the Legislature to require that, except for citizen's  
34 initiatives and people's vetoes, referendum questions appear  
35 on the ballot at general elections only?"

36  
37 The legal voters of each city, town and plantation shall  
38 vote by ballot on this question and designate their choice by a  
39 cross or check mark placed within the corresponding square below  
40 the word "Yes" or "No." The ballots must be received, sorted,  
41 counted and declared in open ward, town and plantation meetings  
42 and returns made to the Secretary of State in the same manner as  
43 votes for members of the Legislature. The Governor shall review  
44 the returns and, if it appears that a majority of the legal votes  
45 are cast in favor of the amendment, the Governor shall proclaim  
46 that fact without delay and the amendment becomes part of the  
47 Constitution of Maine on the date of the proclamation; and be it  
48 further

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

8   **SUMMARY**

10           This constitutional resolution requires that, except for  
11       citizen's initiatives and people's vetoes, referendum questions  
12       appear on the ballot at general elections only.