

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1099

H.P. 752

House of Representatives, March 1, 2005

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Ensure Statewide Participation in Initiating a
Referendum by Requiring 10% of the Total Vote by County**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Senator PERRY of Penobscot and
Representatives: BISHOP of Boothbay, BROWNE of Vassalboro, DAIGLE of Arundel,
DUCHESNE of Hudson, FLETCHER of Winslow, SHERMAN of Hodgdon, STEDMAN of
Hartland, THOMPSON of China.

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, §17, sub-§1** is amended to read:

6
8 **1. Petition procedure; petition for people's veto.** Upon
written petition of electors, the number of which in each county
shall not be less than 10% of the total vote for Governor cast in
10 that county in the last gubernatorial election preceding the
filing of such petition, and addressed to the Governor and filed
12 in the office of the Secretary of State by the hour of 5:00 p.m.,
on or before the 90th day after the recess of the Legislature, or
14 if such 90th day 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
16 Saturday, a Sunday, or a legal holiday, requesting that one or
more Acts, bills, resolves or resolutions, or part or parts
18 thereof, passed by the Legislature but not then in effect by
reason of the provisions of the preceding section, be referred to
20 the people, such Acts, bills, resolves, or resolutions or part or
parts thereof as are specified in such petition shall not take
22 effect until 30 days after the Governor shall have announced by
public proclamation that the same have been ratified by a
24 majority of the electors voting thereon at a statewide or general
election.

26 **Constitution, Art. IV, Pt. Third, §18, sub-§2** is amended to read:

28
30 **2. Referral to electors unless enacted by the Legislature**
without change; number of signatures necessary on direct
initiative petitions; dating signatures on petitions; competing
32 **measures.** For any measure thus proposed by electors, the number
of signatures in each county shall not be less than 10% of the
34 total vote for Governor cast in that county in the last
gubernatorial election preceding the filing of such petition.
36 The date each signature was made shall be written next to the
signature on the petition, and no signature older than one year
38 from the written date on the petition shall be valid. The
measure thus proposed, unless enacted without change by the
40 Legislature at the session at which it is presented, shall be
submitted to the electors together with any amended form,
42 substitute, or recommendation of the Legislature, and in such
manner that the people can choose between the competing measures
44 or reject both. When there are competing bills and neither
receives a majority of the votes given for or against both, the
46 one receiving the most votes shall at the next statewide election
to be held not less than 60 days after the first vote thereon be
48 submitted by itself if it receives more than 1/3 of the votes
given for and against both. If the measure initiated is enacted
50 by the Legislature without

2 change, it shall not go to a referendum vote unless in pursuance
of a demand made in accordance with the preceding section. The
Legislature may order a special election on any measure that is
4 subject to a vote of the people.

6 ; and be it further

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

16 "Do you favor amending the Constitution of Maine to change
18 the required percentage of signatures on the written
petition of electors to 10% of the total vote for Governor
20 cast in each county in the last gubernatorial election for
people's veto and direct initiative of legislation?"

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

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

40 SUMMARY

42 This constitutional resolution changes the required
44 percentage of signatures on the written petition of electors to
10% of the total vote for Governor cast in each county in the
46 last gubernatorial election for people's veto and direct
initiative of legislation.