

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1235

H.P. 853

House of Representatives, March 10, 2005

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Require That a Citizen-initiated Measure That Imposes a  
New or Increased Tax or Fee Be Approved by the Legislature and  
Signed by the Governor**

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CRESSEY of Cornish.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and

Representatives: ANNIS of Dover-Foxcroft, CEBRA of Naples, COLLINS of Wells, DAIGLE of Arundel, DUPREY of Hampden, HAMPER of Oxford, LEWIN of Eliot, Senator: HASTINGS of Oxford.

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, Pt. Third, §19** is amended to read:

8           **Section 19. Effective date of measures approved by people;**  
**veto power limited.** -Any Except as provided in Section 19-A, any  
10 measure referred to the people and approved by a majority of the  
votes given thereon shall, unless a later date is specified in  
12 said measure, take effect and become a law in 30 days after the  
Governor has made public proclamation of the result of the vote  
14 on said measure, which the Governor shall do within 10 days after  
the vote thereon has been canvassed and determined; provided,  
16 however, that any such measure which entails expenditure in an  
amount in excess of available and unappropriated state funds  
18 shall remain inoperative until 45 days after the next convening  
of the Legislature in regular session, unless the measure  
20 provides for raising new revenues adequate for its operation.  
22 The Except as provided in Section 19-A, the veto power of the  
Governor shall not extend to any measure approved by vote of the  
24 people, and any measure initiated by the people and passed by the  
Legislature without change, if vetoed by the Governor and if the  
26 veto is sustained by the Legislature shall be referred to the  
people to be voted on at the next general election. The  
Legislature may enact measures expressly conditioned upon the  
people's ratification by a referendum vote.

28           **Constitution, Art. IV, Pt. Third, §19-A** is enacted to read:

30           **Section 19-A. Effective date of measures imposing tax or**  
32 **fee that are approved by people.** Any measure initiated by the  
people that imposes a new or increased tax or fee that is  
34 referred to the people and approved by a majority of the votes  
given thereon must be resubmitted to the Legislature for approval  
36 and submitted to the Governor for signature. If the Legislature  
approves the measure and the Governor signs the measure, unless a  
38 later date is specified in the measure, the measure takes effect  
and becomes a law immediately; provided, however, that any such  
40 measure that entails expenditure in an amount in excess of  
available and unappropriated state funds remains inoperative  
42 until 45 days after the next convening of the Legislature in  
regular session, unless the measure provides for raising new  
44 revenues adequate for its operation. If the Legislature fails to  
approve the measure or the Governor declines to sign the measure,  
46 the measure does not take effect and does not become law. If the  
Legislature passes the measure without change and the Governor  
48 vetoed the measure and the veto is sustained by the Legislature,  
the measure does not take effect and does not become law.

2           **Constitution, Art. IV, Pt. Third, §20** is amended to read:

4           **Section 20. Meaning of words "electors," "people," "recess**  
6           **of Legislature," "statewide election," "measure," "circulator,"**  
8           **and "written petition"; written petitions for people's veto;**  
10           **written petitions for direct initiative.** As used in any of the  
12           3- 4 preceding sections or in this section the words "electors"  
14           and "people" mean the electors of the State qualified to vote for  
16           Governor; "recess of the Legislature" means the adjournment  
18           without day of a session of the Legislature; "statewide election"  
20           means any election held throughout the State on a particular day;  
22           "measure" means an Act, bill, resolve or resolution proposed by  
24           the people, or 2 or more such, or part or parts of such, as the  
26           case may be; "circulator" means a person who solicits signatures  
28           for written petitions, and who must be a resident of this State  
30           and whose name must appear on the voting list of the city, town  
32           or plantation of the circulator's residence as qualified to vote  
34           for Governor; "written petition" means one or more petitions  
36           written or printed, or partly written and partly printed, with  
38           the original signatures of the petitioners attached, verified as  
40           to the authenticity of the signatures by the oath of the  
42           circulator that all of the signatures to the petition were made  
44           in the presence of the circulator and that to the best of the  
46           circulator's knowledge and belief each signature is the signature  
48           of the person whose name it purports to be, and accompanied by  
50           the certificate of the official authorized by law to maintain the  
          voting list of the city, town or plantation in which the  
          petitioners reside that their names appear on the voting list of  
          the city, town or plantation of the official as qualified to vote  
          for Governor. The oath of the circulator must be sworn to in the  
          presence of a person authorized by law to administer oaths.  
          Written petitions for a people's veto pursuant to Article IV,  
          Part Third, Section 17 must be submitted to the appropriate  
          officials of cities, towns or plantations for determination of  
          whether the petitioners are qualified voters by the hour of 5:00  
          p.m., on the 5th day before the petition must be filed in the  
          office of the Secretary of State, or, if such 5th day is a  
          Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next  
          day which is not a Saturday, a Sunday or a legal holiday.  
          Written petitions for a direct initiative pursuant to Article IV,  
          Part Third, Section 18 must be submitted to the appropriate  
          officials of cities, towns or plantations for determination of  
          whether the petitioners are qualified voters by the hour of 5:00  
          p.m., on the 10th day before the petition must be filed in the  
          office of the Secretary of State, or, if such 10th day is a  
          Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next  
          day which is not a Saturday, a Sunday or a legal holiday. Such  
          officials must complete the certification of such petitions and  
          must return them to the circulators or their agents within 2 days

for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed in the office of the Secretary of State by a resident of this State whose name must appear on the voting list of the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

; and be it further

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

"Do you favor amending the Constitution of Maine to require that, in order to become law, a citizen-initiated measure that imposes a new or increased tax or fee must be approved by the Legislature and signed by the Governor?"

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

**Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city,

2 town and plantation all ballots, returns and copies of this  
resolution necessary to carry out the purposes of this referendum.

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### SUMMARY

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8 This bill proposes amending the Constitution of Maine to  
require that, in order to become law, a citizen-initiated measure  
that imposes a new or increased tax or fee must be approved by  
10 the Legislature and signed by the Governor.