

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

---

Legislative Document

No. 2033

S.P. 782

In Senate, February 28, 2006

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Clarify Deadlines for Submitting Direct Initiatives to  
Municipal Officials for Signature Verification**

---

Reported by Senator GAGNON of Kennebec for the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access pursuant to Resolve 2005, chapter 127.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

1       **Constitutional amendment. Resolved:** Two thirds of each branch of the  
2 Legislature concurring, that the following amendment to the Constitution of Maine be  
3 proposed:

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

5       **2. Referral to electors unless enacted by the Legislature without change;**  
6 **number of signatures necessary on direct initiative petitions; dating signatures on**  
7 **petitions; competing measures.** For any measure thus proposed by electors, the number  
8 of signatures shall not be less than 10% of the total vote for Governor cast in the last  
9 gubernatorial election preceding the filing of such petition. The date each signature was  
10 made shall be written next to the signature on the petition, ~~and no signature older than~~  
11 ~~one year from the written date on the petition shall be valid.~~ The measure thus proposed,  
12 unless enacted without change by the Legislature at the session at which it is presented,  
13 shall be submitted to the electors together with any amended form, substitute, or  
14 recommendation of the Legislature, and in such manner that the people can choose  
15 between the competing measures or reject both. When there are competing bills and  
16 neither receives a majority of the votes given for or against both, the one receiving the  
17 most votes shall at the next statewide election to be held not less than 60 days after the  
18 first vote thereon be submitted by itself if it receives more than 1/3 of the votes given for  
19 and against both. If the measure initiated is enacted by the Legislature without change, it  
20 shall not go to a referendum vote unless in pursuance of a demand made in accordance  
21 with the preceding section. The Legislature may order a special election on any measure  
22 that is subject to a vote of the people.

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

24       **Section 20. Meaning of words "electors," "people," "recess of Legislature,"**  
25 **"statewide election," "measure," "circulator," and "written petition"; written**  
26 **petitions for people's veto; written petitions for direct initiative.** As used in any of the  
27 3 preceding sections or in this section the words "electors" and "people" mean the  
28 electors of the State qualified to vote for Governor; "recess of the Legislature" means the  
29 adjournment without day of a session of the Legislature; "statewide election" means any  
30 election held throughout the State on a particular day; "measure" means an Act, bill,  
31 resolve or resolution proposed by the people, or 2 or more such, or part or parts of such,  
32 as the case may be; "circulator" means a person who solicits signatures for written  
33 petitions, and who must be a resident of this State and whose name must appear on the  
34 voting list of the city, town or plantation of the circulator's residence as qualified to vote  
35 for Governor; "written petition" means one or more petitions written or printed, or partly  
36 written and partly printed, with the original signatures of the petitioners attached, verified  
37 as to the authenticity of the signatures by the oath of the circulator that all of the  
38 signatures to the petition were made in the presence of the circulator and that to the best  
39 of the circulator's knowledge and belief each signature is the signature of the person  
40 whose name it purports to be, and accompanied by the certificate of the official  
41 authorized by law to maintain the voting list of the city, town or plantation in which the  
42 petitioners reside that their names appear on the voting list of the city, town or plantation  
43 of the official as qualified to vote for Governor. The oath of the circulator must be sworn  
44 to in the presence of a person authorized by law to administer oaths. Written petitions for  
45 a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the

1 appropriate officials of cities, towns or plantations for determination of whether the  
2 petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition  
3 must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a  
4 Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a  
5 Sunday or a legal holiday. Signatures on petitions for a direct initiative that are submitted  
6 to appropriate officials of cities, towns or plantations after the deadline established in this  
7 section are invalid. Written petitions for a direct initiative pursuant to Article IV, Part  
8 Third, Section 18 must be submitted to the appropriate officials of cities, towns or  
9 plantations for determination of whether the petitioners are qualified voters by the hour of  
10 5:00 p.m., on the 10th day before the petition must be filed in the office of the Secretary  
11 of State, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on  
12 the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must  
13 complete the certification of such petitions and must return them to the circulators or their  
14 agents within 2 days for a petition for a people's veto and within 5 days for a petition for a  
15 direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which  
16 such petitions were submitted to them. The petition shall set forth the full text of the  
17 measure requested or proposed. Petition forms shall be furnished or approved by the  
18 Secretary of State upon written application signed in the office of the Secretary of State  
19 by a resident of this State whose name must appear on the voting list of the city, town or  
20 plantation of that resident as qualified to vote for Governor. The full text of a measure  
21 submitted to a vote of the people under the provisions of the Constitution need not be  
22 printed on the official ballots, but, until otherwise provided by the Legislature, the  
23 Secretary of State shall prepare the ballots in such form as to present the question or  
24 questions concisely and intelligibly.

25 ; and be it further

26 **Constitutional referendum procedure; form of question; effective date.**

27 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
28 respective cities, towns and plantations to meet, in the manner prescribed by law for  
29 holding a general election, at the next general election in the month of November  
30 following passage of 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 specify that  
33 signatures on a citizen's petition for the direct initiative of legislation that  
34 are submitted to municipal officials for signature certification after the  
35 deadline established in the Constitution are invalid, and to eliminate  
36 language specifically invalidating signatures that are older than one  
37 year?"

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

