

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1328

H.P. 936

House of Representatives, March 12, 2007

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Limit the Frequency with which an Issue May Appear on
the Ballot as a Result of a Direct Initiative**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BROWNE of Vassalboro.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: AUSTIN of Gray, CARTER of Bethel, CRAY of Palmyra, FLOOD of
Winthrop, PLUMMER of Windham, ROBINSON of Raymond.

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,** as amended by CR 2005, c. 2, is
5 further amended to read:

6 **2. Referral to electors unless enacted by the Legislature without change;**
7 **number of signatures necessary on direct initiative petitions; dating signatures on**
8 **petitions; competing measures; limitation.** For any measure thus proposed by electors,
9 the number of signatures shall not be less than 10% of the total vote for Governor cast in
10 the last gubernatorial election preceding the filing of such petition. The date each
11 signature was made shall be written next to the signature on the petition. A signature is
12 not valid if it is dated more than one year prior to the date that the petition was filed in the
13 office of the Secretary of State. The measure thus proposed, unless enacted without
14 change by the Legislature at the session at which it is presented, shall be submitted to the
15 electors together with any amended form, substitute, or recommendation of the
16 Legislature, and in such manner that the people can choose between the competing
17 measures or reject both. When there are competing bills and neither receives a majority
18 of the votes given for or against both, the one receiving the most votes shall at the next
19 statewide election to be held not less than 60 days after the first vote thereon be submitted
20 by itself if it receives more than 1/3 of the votes given for and against both. If the
21 measure initiated is enacted by the Legislature without change, it shall not go to a
22 referendum vote unless in pursuance of a demand made in accordance with the preceding
23 section. The Legislature may order a special election on any measure that is subject to a
24 vote of the people. If a measure is submitted to the electors and it fails to receive the
25 number of votes necessary for enactment, the electors may not propose pursuant to this
26 section the same or substantially the same measure for a period of 5 years.

27 ; and be it further

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

34 “Do you favor amending the Constitution of Maine to provide that, if a direct
35 initiative is submitted to the electors and it fails to receive the number of votes
36 necessary for enactment, the same or substantially the same measure may not be
37 proposed through a direct initiative for the following 5 years?”

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. If it appears that a majority of the legal votes are cast in favor of the

1 amendment, the Governor shall proclaim that fact without delay and the amendment
2 becomes part of the Constitution of Maine on the date of the proclamation; and be it
3 further

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

7 **SUMMARY**

8 This resolution proposes amending the Constitution of Maine to provide that, if a
9 direct initiative is submitted to the electors and it fails to receive the number of votes
10 necessary for enactment, the same or substantially the same measure may not be proposed
11 through a direct initiative for the following 5 years.