

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1145

H.P. 789

House of Representatives, March 23, 2009

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Amend the Time Frame for Towns To Certify Citizen  
Initiative and People's Veto Signatures**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative STRANG BURGESS of Cumberland.  
Cosponsored by Senator DAVIS of Cumberland and  
Representatives: BEAUDETTE of Biddeford, BOLAND of Sanford, CELLI of Brewer,  
CLARK of Easton, GILES of Belfast, SCHATZ of Blue Hill, SIROIS of Turner, TILTON of  
Harrington.

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

6           **Section 20. Meaning of words "electors," "people," "recess of Legislature,"**  
7 **"statewide election," "measure," "circulator," and "written petition"; written**  
8 **petitions for people's veto; written petitions for direct initiative.** As used in any  
9 of the 3 preceding sections or in this section the words "electors" and "people" mean  
10 the electors of the State qualified to vote for Governor; "recess of the Legislature"  
11 means the adjournment without day of a session of the Legislature; "statewide  
12 election" means any election held throughout the State on a particular day; "measure"  
13 means an Act, bill, resolve or resolution proposed by the people, or 2 or more such,  
14 or part or parts of such, as the case may be; "circulator" means a person who solicits  
15 signatures for written petitions, and who must be a resident of this State and whose  
16 name must appear on the voting list of the city, town or plantation of the circulator's  
17 residence as qualified to vote for Governor; "written petition" means one or more  
18 petitions written or printed, or partly written and partly printed, with the original  
19 signatures of the petitioners attached, verified as to the authenticity of the signatures  
20 by the oath of the circulator that all of the signatures to the petition were made in the  
21 presence of the circulator and that to the best of the circulator's knowledge and belief  
22 each signature is the signature of the person whose name it purports to be, and  
23 accompanied by the certificate of the official authorized by law to maintain the voting  
24 list or to certify signatures on petitions for voters on the voting list of the city, town  
25 or plantation in which the petitioners reside that their names appear on the voting list  
26 of the city, town or plantation of the official as qualified to vote for Governor. The  
27 oath of the circulator must be sworn to in the presence of a person authorized by law  
28 to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part  
29 Third, Section 17 must be submitted to the appropriate officials of cities, towns or  
30 plantations, or state election officials as authorized by law, for determination of  
31 whether the petitioners are qualified voters by the hour of 5:00 p.m., on the ~~5th~~ 15th  
32 day before the petition must be filed in the office of the Secretary of State, or, if such  
33 ~~5th~~ 15th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day  
34 which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct  
35 initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the  
36 appropriate officials of cities, towns or plantations, or state election officials as  
37 authorized by law, for determination of whether the petitioners are qualified voters by  
38 the hour of 5:00 p.m., on the ~~10th~~ 20th day before the petition must be filed in the  
39 office of the Secretary of State, or, if such ~~10th~~ 20th day is a Saturday, a Sunday or a  
40 legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a  
41 legal holiday. Such officials must complete the certification of only those petitions  
42 submitted by these deadlines and must return them to the circulators or their agents  
43 within ~~2~~ 12 days for a petition for a people's veto and within ~~5~~ 15 days for a petition  
44 for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on  
45 which such petitions were submitted to them. Signatures on petitions not submitted to

1 the appropriate local or state officials by these deadlines may not be certified. The  
2 petition shall set forth the full text of the measure requested or proposed. Petition  
3 forms shall be furnished or approved by the Secretary of State upon written  
4 application signed and notarized and submitted to the office of the Secretary of State  
5 by a resident of this State whose name must appear on the voting list of the city, town  
6 or plantation of that resident as qualified to vote for Governor. The full text of a  
7 measure submitted to a vote of the people under the provisions of the Constitution  
8 need not be printed on the official ballots, but, until otherwise provided by the  
9 Legislature, the Secretary of State shall prepare the ballots in such form as to present  
10 the question or questions concisely and intelligibly.

11 ; and be it further

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

18 "Do you favor amending the Constitution of Maine to increase the amount of  
19 time provided to officials of cities, towns and plantations to certify that signatures  
20 on petitions for a people's veto and on petitions for a direct initiative appear on  
21 voting lists for those cities, towns and plantations?"

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

31 **Secretary of State shall prepare ballots. Resolved:**

32 That the Secretary of State shall prepare and furnish to each city, town and  
33 plantation all ballots, returns and copies of this resolution necessary to carry out the  
34 purposes of this referendum.

35 **SUMMARY**

36 This resolution proposes to amend the Constitution of Maine to increase the  
37 amount of time provided to officials of cities, towns and plantations to certify that  
38 signatures on petitions for a people's veto and on petitions for a direct initiative  
39 appear on voting lists for those cities, towns and plantations.