

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1345

H.P. 946

House of Representatives, March 31, 2009

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Increase the Required Number of Signatures for a Direct  
Initiative or a People's Veto and To Limit a Direct Initiative to One  
Subject**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAMPBELL of Newfield.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: CLARK of Millinocket, CONNOR of Kennebunk, STRANG BURGESS of  
Cumberland, TUTTLE of Sanford, Senators: BOWMAN of York, BRANNIGAN of  
Cumberland, BRYANT of Oxford, DAVIS of Cumberland.

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, §17, sub-§1** is amended to read:

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

18       **Constitution, Art IV, Pt. Third, §18, sub-§1**, as amended by CR 2005, c. 2,  
19 is further amended to read:

20       **1. Petition procedure.** The electors may propose to the Legislature for its  
21 consideration any bill, resolve or resolution, including bills to amend or repeal  
22 emergency legislation but not an amendment of the State Constitution, by written  
23 petition addressed to the Legislature or to either branch thereof and filed in the office  
24 of the Secretary of State by the hour of 5:00 p.m., on or before the 50th day after the  
25 date of convening of the Legislature in first regular session or on or before the 25th  
26 day after the date of convening of the Legislature in second regular session, except  
27 that the written petition may not be filed in the office of the Secretary of State later  
28 than 18 months after the date the petition form was furnished or approved by the  
29 Secretary of State. If the applicable deadline falls on a Saturday, Sunday, or legal  
30 holiday, the period runs until the hour of 5:00 p.m., of the next day which is not a  
31 Saturday, Sunday, or legal holiday. A measure may contain only one subject and  
32 matters directly connected with that subject.

33       **Constitution, Art. IV, Pt. Third, §18, sub-§2**, as amended by CR 2005, c.  
34 2, is further amended to read:

35       **2. Referral to electors unless enacted by the Legislature without change;**  
36 **number of signatures necessary on direct initiative petitions; dating signatures**  
37 **on petitions; competing measures.** For any measure thus proposed by electors, the  
38 number of signatures shall not be less than ~~10%~~ 20% of the total vote for Governor  
39 cast in the last gubernatorial election preceding the filing of such petition. The date  
40 each signature was made shall be written next to the signature on the petition. A  
41 signature is not valid if it is dated more than one year prior to the date that the  
42 petition was filed in the office of the Secretary of State. The measure thus proposed,

1 unless enacted without change by the Legislature at the session at which it is  
2 presented, shall be submitted to the electors together with any amended form,  
3 substitute, or recommendation of the Legislature, and in such manner that the people  
4 can choose between the competing measures or reject both. When there are  
5 competing bills and neither receives a majority of the votes given for or against both,  
6 the one receiving the most votes shall at the next statewide election to be held not less  
7 than 60 days after the first vote thereon be submitted by itself if it receives more than  
8 1/3 of the votes given for and against both. If the measure initiated is enacted by the  
9 Legislature without change, it shall not go to a referendum vote unless in pursuance  
10 of a demand made in accordance with the preceding section. The Legislature may  
11 order a special election on any measure that is subject to a vote of the people.

12 ; and be it further

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

19 "Do you favor amending the Constitution of Maine to increase the number of  
20 signatures that a petitioner must gather for a people's veto or a direct initiative  
21 and to limit a direct initiative to one subject?"

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

#### 34 SUMMARY

35 This resolution proposes to amend the Constitution of Maine to increase the  
36 number of signatures that a petitioner must gather for a people's veto or a direct  
37 initiative from not less than 10% of the total vote for Governor cast in the last  
38 gubernatorial election to not less than 20% of the total vote for Governor cast in the  
39 last gubernatorial election. It also limits a direct initiative to one subject.