

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1692

H.P. 1193

House of Representatives, January 6, 2010

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Amend the Requirements Governing Direct Initiatives**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: BERRY of Bowdoinham, CAREY of Lewiston, NELSON of Falmouth,
Speaker PINGREE of North Haven, ROTUNDO of Lewiston, TRINWARD of Waterville.

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

6 **Section 1. Petition procedure.** The electors may propose to the Legislature for
7 its consideration any bill, resolve or resolution, including bills to amend or repeal
8 emergency legislation but not an amendment of the State Constitution, by written petition
9 addressed to the Legislature or to either branch thereof and filed in the office of the
10 Secretary of State by the hour of 5:00 p.m., on or before the 50th day after the date of
11 convening of the Legislature in first regular session or on or before the 25th day after the
12 date of convening of the Legislature in second regular session, except that the written
13 petition may not be filed in the office of the Secretary of State later than 18 months after
14 the date the petition form was furnished or approved by the Secretary of State. The text
15 of the proposed bill, resolve or resolution that is included in the application for a direct
16 initiative of legislation must identify the fiscal impact of, and the amount and source of
17 revenue required to implement, the proposed bill, resolve or resolution. If the proposed
18 bill, resolve or resolution requires a reduction in any source of government revenue, or a
19 reallocation of funding from currently funded programs, the text of the proposed bill,
20 resolve or resolution must identify the program or programs whose funding must be
21 reduced or eliminated to implement the proposed bill, resolve or resolution. The
22 Legislature's office of fiscal review shall provide reasonable assistance to the proponent
23 of the proposed bill, resolve or resolution in fulfilling the requirements of this section. If
24 the applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until
25 the hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

26 ; and be it further

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

33 "Do you favor amending the Constitution of Maine to require that the text of a direct
34 initiative of legislation must identify the amount and source of revenue required to
35 implement the initiative and, if applicable, identify the program or programs whose
36 funding must be reduced or eliminated to implement the initiative?"

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

1 becomes part of the Constitution of Maine on the date of the proclamation; and be it
2 further

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

6 **SUMMARY**

7 This resolution proposes to amend the Constitution of Maine to require that the text
8 of a direct initiative of legislation identify the amount and source of revenue required to
9 implement the initiative and, if applicable, identify the program or programs whose
10 funding must be reduced or eliminated to implement the initiative. This resolution also
11 directs the Office of Fiscal and Program Review to provide reasonable assistance to the
12 proponent of the direct initiative.