

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1411

S.P. 489

In Senate, April 11, 2017

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Limit Petitions for Direct Initiatives That Would Violate
the Constitution of Maine**

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

A handwritten signature in black ink, appearing to read "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.

Cosponsored by Senators: CUSHING of Penobscot, DESCHAMBAULT of York, HILL of York, LIBBY of Androscoggin, MASON of Androscoggin, Representatives: CASÁS of Rockport, DENNO of Cumberland, GROHMAN of Biddeford.

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** is amended by adding at the end a
5 new paragraph to read:

6 No later than 10 days after the filing of a written petition in the office of the Secretary
7 of State pursuant to this subsection, the Governor, Attorney General, Legislature by a 1/3
8 vote of both Houses or at least 500 electors by petition filed in the office of the Secretary
9 of State may request an opinion of the Justices of the Supreme Judicial Court on whether
10 the bill, resolve or resolution proposed by electors to the Legislature would, if passed and
11 implemented, violate this Constitution in any manner, including, but not limited to, the
12 restriction or abridgment of the rights of citizens expressly declared in this Constitution.
13 The Justices of the Supreme Judicial Court shall issue their opinion no later than 30 days
14 after a request is made. The Secretary of State shall reject a written petition if a majority
15 of the Justices of the Supreme Judicial Court determines that the bill, resolve or
16 resolution proposed by electors would, if passed and implemented, violate this
17 Constitution.

18 ; and be it further

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

25 "Do you favor amending the Constitution of Maine to require the
26 Secretary of State to reject a petition for a direct initiative of legislation
27 if, upon request of the Governor, Attorney General, Legislature or at least
28 500 electors of this State, a majority of the Justices of the Supreme
29 Judicial Court determines that the initiative would, if passed and
30 implemented, violate the Constitution of Maine?"

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

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

1

SUMMARY

2 This resolution proposes to amend the Constitution of Maine to allow the Governor,
3 Attorney General, Legislature by a 1/3 vote of both Houses or at least 500 electors by
4 petition filed in the office of the Secretary of State to request an opinion of the Justices of
5 the Supreme Judicial Court on whether a bill, resolve or resolution proposed by electors
6 to the Legislature would, if passed and implemented, violate the Constitution of Maine in
7 any manner, including, but not limited to, the restriction or abridgement of the rights of
8 citizens expressly declared in the Constitution of Maine. The Secretary of State must
9 reject a petition if a majority of the Justices of the Supreme Judicial Court determines that
10 the bill, resolve or resolution proposed by electors would, if passed and implemented,
11 violate the Constitution of Maine.