

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1565

S.P. 501

In Senate, April 16, 2019

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Protect Voter-approved Measures**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHENETTE of York.
Cosponsored by Representative: BAILEY of Saco.

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, §19** is amended to read:

5 **Section 19. Effective date of measures approved by people; veto power**
6 **limited.** Any measure referred to the people and approved by a majority of the votes
7 given thereon shall, unless a later date is specified in said measure, take effect and
8 become a law in 30 days after the Governor has made public proclamation of the result of
9 the vote on said measure, which the Governor shall do within 10 days after the vote
10 thereon has been canvassed and determined; provided, however, that any such measure
11 which entails expenditure in an amount in excess of available and unappropriated state
12 funds shall remain inoperative until 45 days after the next convening of the Legislature in
13 regular session, unless the measure provides for raising new revenues adequate for its
14 operation. The veto power of the Governor shall not extend to any measure approved by
15 vote of the people, and any measure initiated by the people and passed by the Legislature
16 without change, if vetoed by the Governor and if the veto is sustained by the Legislature
17 shall be referred to the people to be voted on at the next general election. A measure that
18 takes effect and becomes a law pursuant to this section may be changed by the
19 Legislature if the change clarifies or further advances the original intent of the measure.
20 A change to such a measure made by the Legislature no later than one year after the
21 measure takes effect that frustrates the effectuation or implementation of the measure
22 does not go into effect until submitted to a vote of the electors and approved by a
23 majority of those voting on the question. The Legislature may enact measures expressly
24 conditioned upon the people's ratification by a referendum vote.

25 **Constitution, Art. IV, Pt. Third, §20** is amended to read:

26 **Section 20. Meaning of words "electors," "people," "recess of**
27 **Legislature," "statewide election," "measure," "circulator," and "written**
28 **petition"; written petitions for people's veto; written petitions for direct**
29 **initiative.** As used in any of the 3 preceding sections or in this section the words
30 "electors" and "people" mean the electors of the State qualified to vote for Governor;
31 "recess of the Legislature" means the adjournment without day of a session of the
32 Legislature; "statewide election" means any election held throughout the State on a
33 particular day; "measure" means an Act, bill, resolve or resolution proposed by the
34 people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means
35 a person who solicits signatures for written petitions, and who must be a resident of this
36 State and whose name must appear on the voting list of the city, town or plantation of the
37 circulator's residence as qualified to vote for Governor; "written petition" means one or
38 more petitions written or printed, or partly written and partly printed, with the original
39 signatures of the petitioners attached, verified as to the authenticity of the signatures by
40 the oath of the circulator that all of the signatures to the petition were made in the
41 presence of the circulator and that to the best of the circulator's knowledge and belief
42 each signature is the signature of the person whose name it purports to be, and
43 accompanied by the certificate of the official authorized by law to maintain the voting list

1 or to certify signatures on petitions for voters on the voting list of the city, town or
2 plantation in which the petitioners reside that their names appear on the voting list of the
3 city, town or plantation of the official as qualified to vote for Governor. The oath of the
4 circulator must be sworn to in the presence of a person authorized by law to administer
5 oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17
6 must be submitted to the appropriate officials of cities, towns or plantations, or state
7 election officials as authorized by law, for determination of whether the petitioners are
8 qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed
9 in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a
10 legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
11 holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third,
12 Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or
13 state election officials as authorized by law, for determination of whether the petitioners
14 are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be
15 filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or
16 a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
17 holiday. Such officials must complete the certification of only those petitions submitted
18 by these deadlines and must return them to the circulators or their agents within 2 days
19 for a petition for a people's veto and within 5 days for a petition for a direct initiative,
20 Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were
21 submitted to them. Signatures on petitions not submitted to the appropriate local or state
22 officials by these deadlines may not be certified. The petition shall set forth the full text
23 of the measure requested or proposed. Petition forms shall be furnished or approved by
24 the Secretary of State upon written application signed and notarized and submitted to the
25 office of the Secretary of State by a resident of this State whose name must appear on the
26 voting list of the city, town or plantation of that resident as qualified to vote for Governor.
27 The Legislature may provide a process for the review of a measure requested or proposed
28 before petition forms are furnished or approved by the Secretary of State. The full text of
29 a measure submitted to a vote of the people under the provisions of the Constitution need
30 not be printed on the official ballots, but, until otherwise provided by the Legislature, the
31 Secretary of State shall prepare the ballots in such form as to present the question or
32 questions concisely and intelligibly.

33 **Constitutional referendum procedure; form of question; effective date.**

34 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
35 respective cities, towns and plantations to meet, in the manner prescribed by law for
36 holding a statewide election, at a statewide election held in the month of November
37 following the passage of this resolution, to vote upon the ratification of the amendment
38 proposed in this resolution by voting upon the following question:

39 "Do you favor amending the Constitution of Maine to provide that a
40 change made by the Legislature to a direct initiative no later than one
41 year after the direct initiative takes effect that frustrates the
42 implementation of the direct initiative does not go into effect until
43 approved by the voters at referendum?"

44 The legal voters of each city, town and plantation shall vote by ballot on this question
45 and designate their choice by a cross or check mark placed within the corresponding

1 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
2 declared in open ward, town and plantation meetings and returns made to the Secretary of
3 State in the same manner as votes for members of the Legislature. The Governor shall
4 review the returns. If it appears that a majority of the legal votes are cast in favor of the
5 amendment, the Governor shall proclaim that fact without delay and the amendment
6 becomes part of the Constitution of Maine on the date of the proclamation.

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

10 SUMMARY

11 This resolution proposes an amendment to the Constitution of Maine to allow the
12 Legislature to change a direct initiative approved by the voters at referendum if the
13 change clarifies or further advances the original intent of the direct initiative. A change
14 to such a direct initiative made by the Legislature no later than one year after the direct
15 initiative takes effect that frustrates the effectuation or implementation of the direct
16 initiative does not go into effect until submitted to the voters at referendum and approved
17 by a majority of those voting on the question. The resolution also authorizes the
18 Legislature to provide a process for the review of a direct initiative before petition forms
19 are furnished or approved by the Secretary of State.