

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 393

STATE OF MAINE.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the State of Maine, relative to establishing a People's veto through the Optional Referendum, and a direct Initiative by Petition and at elections.

Be it resolved and enacted by the Senate and House of Representatives in legislature assembled, two-thirds of both houses concurring therein, that Part Third of Article 4 of the Constitution of the State of Maine be amended by adding thereto sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 as follows:

(PART I—AS TO STATE LAWS.)

Section 13. No law except the usual appropriation bills, shall take effect earlier than ninety days after the adjournment of the session at which it was enacted, unless, in the case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house: said vote to be taken by yeas and nays and entered on the journals. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase of real estate.

Sect. 14. For ninety days after the adjournment of any session of the legislature, five per cent of the voters calculated upon the vote at the preceding general election for governor, may demand that one or more of the bills or joint resolution that have been passed and have not yet become law shall be submitted to the people for final decision at the polls; and the same shall be submitted, provided the authenticity of the required number of signatures is sworn to before notaries public and judicial officers who have seen the affixing of the signatures and who personally know the signers to be those whose names are affixed, and provided each sheet of the signatures is accompanied with a sworn statement by an adult citizen, that the names are those of registered voters in the township or precinct indicated on the sheet of the signatures. The papers shall be filed with the secretary of state.

Sect. 15. Eight per cent of the voters of the State, calculated upon the basis of the vote in the preceding general election for governor, may propose to the legislature a bill (not

4 including an amendment to the constitution) or a statement
5 of public policy, either by petition with signatures authenti-
6 cated as described in section 14, or by pasters attached to the
7 official ballot at any general election. A measure thus initi-
8 ated shall have precedence over all other measures except
9 appropriation bills and bills that are immediately necessary
10 for the preservation of the public peace, health, or safety, and
11 shall be finally acted upon not later than the close of the ses-
12 sion, provided sixty days shall have elapsed since the filing
13 of the petition or the casting of the votes of initiation. The
14 measure as initiated, unless it is passed without change, shall
15 be submitted to the voters, together with any amended form
16 or substitute, in such manner as the people can choose between
17 the competing measures or reject both. When there are
18 competing bills, and neither receive a majority of the votes
19 cast for and against both, the one receiving the highest vote
20 shall be resubmitted by itself if it receives more than one-
21 third of the votes cast for and against both bills. If the
22 measure initiated is passed without change, it shall not go to
23 a referendum vote unless in pursuance of a demand made in
24 accordance with section 14.

Sect. 16. All questions of public policy, including proposed
2 changes in this Constitution, shall be placed upon a ballot by
3 themselves. The direct ballot, called for in the preceding
4 section, shall be at the next general election, provided that
5 in case of a demand for a referendum vote four weeks or more
6 shall have elapsed between the filing of the demand and the
7 day of election, and in case of the initiative four weeks or
8 more shall have elapsed between the final action of the legisla-
9 ture upon the proposed measure and election day, or, in case
10 the legislature takes no action, two weeks from the close of
11 the session, provided the measure was before the legislature
12 for sixty days. The legislature may call a special election on

13 any measure subject to a vote of the people; and it shall call a
14 special election if demanded by 15 per cent of the voters.

Sect. 17. Each bill or joint resolution that is subject to the
2 optional referendum and is not ordered to a direct ballot shall
3 take effect ninety days after adjournment for the session.
4 Any measure referred to the people, and approved by a major-
5 ity of the votes cast thereon, shall take effect and go into force
6 ten days after the official announcement. The veto power of
7 the governor shall not extend to measures initiated by the
8 people, nor to a competing measure of the legislature.

Sect. 18. Until the legislature shall enact regulations for
2 applying the above described people's veto and direct initia-
3 tive, the election officers and other officials shall be governed
4 by the provisions of this Constitution and of the general law.

(PART II—ORDINANCES.)

Sect. 18. No ordinance or joint resolution passed by the
2 common council of any city or town shall become law for
3 thirty days, except emergency measures; and the emergency
4 must be expressed in a preamble or in the body of the meas-
5 ure, the measure must receive a two-thirds vote of all the
6 members elected, and the ballot shall be by yeas and nays.
7 An emergency measure shall not include (1) a franchise or
8 a license to a corporation or an individual to extend longer
9 than one year, or (2) a provision for the sale or purchase of
10 real estate.

Sect. 19. During the thirty days following the passage of
2 any ordinance or resolution, five per cent of the voters, calcu-
3 lated upon the vote at the preceding general election for gov-
4 ernor, may demand that such ordinance or resolution be sub-
5 mitted to the people for final decision at the polls; and the
6 same shall be submitted, provided the authenticity of the
7 required number of signatures is sworn to before notaries
8 public and judicial officers by persons who have seen the

9 affixing of the signatures and who personally know the
10 signers to be those whose names are affixed, and provided
11 each sheet of signatures is accompanied with a sworn state-
12 ment by an adult citizen that the names are those of regis-
13 tered voters in the city or town.

Sect. 20. Eight per cent of the voters of any city or town,
2 calculated upon the vote in the preceding general election for
3 governor, may propose to the common council an ordinance
4 or a statement of public policy, either by petition, with signa-
5 tures authenticated as described in section 19, or by pasters
6 attached to the official ballot at any election. A measure thus
7 initiated shall have precedence over all other measures except
8 such as are immediately necessary for the preservation of the
9 public peace, health, or safety, and shall be finally acted upon
10 not later than three months from the filing of the petition or
11 the casting of the votes of initiation, provided the common
12 council shall have been in session for two months. The meas-
13 ure as initiated, unless it is passed without change, shall be
14 submitted to a vote of the people, together with any amended
15 measure or substitute which may be recommended by the
16 common council, and the submission shall be in such form
17 that the people can choose between the competing measures
18 or reject both. If the measure initiated is passed without
19 change, it shall not go to a referendum vote unless demanded
20 in accordance with section 19 of this article. When there are
21 competing measures, and neither receives a majority of the
22 votes cast for and against them, the one receiving the highest
23 vote shall be resubmitted by itself if it receives more than
24 one-third of the votes cast for and against both measures.

Sect. 21. Any measure on which a referendum vote is called
2 for in accordance with section 19 of this article shall be sub-
3 mitted to the people not later than the next election, provided
4 the necessary petitions for referendum vote shall have been
5 filed with the city clerk at least thirty days before such elec-

tion. Any measure initiated in accordance with section 20 of this article shall be submitted to the people not later than the next election, if there are sixty days between the time of final action by the common council and election day, or, in case the common council takes no action, if there are four months between the filing of the petition, or the casting of the votes of initiation, and election day. The common council may call a special election on any measure that is subject to a vote of the people; and it shall call a special election if demanded by twenty per cent of the voters.

Sect. 22. Each ordinance or joint resolution that is subject to the optional referendum and is not ordered to a direct ballot shall become law thirty days after its final passage. Any measure referred to the people, and approved by a majority of the votes cast thereon, shall become law five days after the official announcement. The veto power of the mayor shall not extend to measures approved by a vote of the people.

Sect. 23. Until the legislature shall enact regulations for applying the above described people veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution, and of the general law.

Be it further resolved, that said amendment shall be submitted to the people of this State at the general election to be held on the first Tuesday after the first Monday in November, in the year one thousand nine hundred and three, and the secretary of state is hereby requested to give notice of the same to the sheriffs of the several counties of the State at least twenty days prior to said election, the said sheriffs are required to give the several notices required by law, and the several townships and cities of this State shall provide suitable boxes for the reception of ballots cast for and against said amendment. Each person voting for said amendment shall have written or printed on his ballot the words, "Amend-

17 ment to the Constitution relative to establishing a people's veto
18 and a direct initiative—Yes," and each person voting against
19 said amendment shall have on his ballot in like manner the
20 words, "Amendment to the Constitution relative to establish-
21 ing a people's veto and direct initiative—No." The ballots
22 shall in all respects be canvassed and returns made as in gen-
23 eral elections of State officers.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1903.

Tabled pending reference, by Mr. DAVIS of Waterville, and ordered printed.

W. S. COTTON, *Clerk.*