

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 24

STATE OF MAINE.

RESOLVE proposing an amendment to article four of the constitution of the State of Maine, establishing a people's veto through the optional referendum, and a direct initiative by petition and at general elections.

Resolved, That the following amendment to the constitution
2 of this State be proposed for the action of the legal voters
3 of this State in the manner provided by the constitution,
4 to wit:

Part first of article four is hereby amended as follows,
6 namely:

By striking out all of section one after the word "Maine"
8 in the third line thereof, and inserting in lieu thereof the
9 words 'The joint action of both shall be subject to a peo-
10 ple's veto and direct initiative as hereinafter provided and
11 the style of their acts and laws shall be '*Be it enacted by*
12 *the People of the State of Maine,*'' so that said section
13 as amended shall read as follows, namely,

'The legislative power shall be vested in two distinct
15 branches, a house of representatives and a senate, each to

16 have a negative on the other, and both to be styled the
17 Legislature of Maine. *The joint action of both shall be*
18 *subject to a people's veto and direct initiative as hereinafter*
19 *provided, and the style of their acts and laws shall be, 'Be*
20 *it enacted by the people of the State of Maine.'*

Part third of article four is hereby amended as follows,
22 namely, by inserting in section one after the words "bien-
23 nially and" in the second line thereof, the words 'with the
24 exceptions hereinafter stated,' so that said section shall read
25 as amended:

'The legislature shall convene on the first Wednesday of
27 January, biennially, and, *with the exceptions hereinafter*
28 *stated, shall have full power to make and establish all rea-*
29 *sonable laws and regulations for the defense and benefit of*
30 *the people of this State, not repugnant to this constitution*
31 *nor to that of the United States.'*

Part third of article four is further amended by adding to
33 said article the following sections to be numbered from
34 sixteen to twenty-six inclusive, namely,

'Section 16. No act of the legislature shall take effect until
36 ninety days after adjournment of the session, unless in case
37 of emergency, (which shall be expressed in the preamble or
38 body of the act,) the legislature shall, by a vote of two-
39 thirds of all the members elected to each house, otherwise
40 direct. An emergency bill shall include only such measures
41 as are immediately necessary for the preservation of the
42 public peace, health, or safety; and shall not include (1) an
43 infringement of the right of home rule for municipalities,
44 (2) a franchise or license to a corporation or an individual
45 to extend longer than one year, or (3) provision for the
46 sale or purchase of real estate.'

'Section 17. For ninety days after the adjournment of any
48 session of the legislature, five per cent of the voters, calcu-
49 lated upon the vote at the preceding general election for

50 governor, may demand that one or more bills or joint resolu-
51 tions that have been passed and have not yet become law,
52 or any part of any act or joint resolution, shall be submit-
53 ted to the people for final decision at the polls.'

'Section 18. Eight per cent of the voters of the State, cal-
55 culated upon the vote in the preceding general election for
56 governor, may propose to the legislature any bill, or any
57 statement of public policy other than an amendment to the
58 State constitution, either by petition or by pasters attached
59 to the official ballot at any general election. A measure
60 thus initiated shall have precedence over all other measures
61 except appropriation bills and bills that are immediately
62 necessary for the preservation of the public peace, health,
63 or safety, and shall be finally acted upon not later than the
64 close of the session, provided thirty days shall have elapsed
65 since the filing of the petition or the casting of the votes
66 of initiation. Each measure as initiated, unless it is passed
67 without change, shall be submitted to the voters, together
68 with any amended form, substitute, or recommendation of
69 the legislature, and in such manner that the people can
70 choose between the competing measures or reject both.
71 Voters may express second choice. When there are com-
72 peting bills and neither receives a majority of the votes
73 cast for and against both, the one receiving the highest vote
74 shall be re-submitted by itself if it receives more than one-
75 third of the votes cast for and against both. If the measure
76 initiated is passed without change, it shall not go to a refer-
77 endum vote unless in pursuance of a demand made in
78 accordance with section 17.'

'Section 19. All questions of public policy, shall be placed
80 upon a ballot by themselves. Any measure on which a
81 referendum vote is called for in accordance with section 17
82 of this article shall be submitted to the people of the State
83 not later than the next general election, provided the

84 demand for the referendum vote shall have been filed with
85 the secretary of state at least sixty days before such elec-
86 tion. Any measure initiated in accordance with section 18
87 shall be submitted to the people of the State not later than
88 the next election; provided there are sixty days between the
89 time of final action by the legislature and election day; or,
90 in case the legislature takes no action, if there are thirty days
91 between the close of the session and election day, provided
92 the measure was before the legislature for sixty days. The
93 legislature may call a special election on any measure that
94 is subject to a vote of the people; and it shall call a special
95 election if demanded by fifteen (15) per cent of the voters
96 calculated as provided in section 18.'

'Section 20. Each bill or joint resolution that is subject to
98 the optional referendum and is not ordered to a direct ballot
99 shall take effect ninety days after adjournment for the ses-
100 sion. Any measure referred to the people, and approved by
101 a majority of the votes cast thereon, shall take effect, and go
102 into force ten days after the official announcement. The veto
103 power of the governor shall not extend to measures initiated
104 by the people, nor to a competing measure of the legislature.
105 The legislature may enact measures expressly conditioned
106 upon the people's ratification by referendum vote.'

'Section 21. No ordinance or joint resolution passed by
108 the legislative body of any city, village or county shall
109 become law for thirty days, except emergency measures;
110 and the emergency must be expressed in a preamble or in
111 the body of the measure, the measure must receive a two-
112 thirds vote of all the members elected, and the ballot shall
113 be by yeas and nays. An emergency measure shall not
114 include (1) a franchise or a license to a corporation or an
115 individual to extend longer than one year, or (2) a provision
116 for the sale or purchase of real estate.'

‘Section 22. During the thirty days following the passage of
I18 any ordinance or resolution, five per cent of the voters affected
I19 thereby calculated upon the vote at the preceding general
I20 election for governor, may demand that such ordinance or
I21 resolution, or any part or parts thereof, shall be submitted to
I22 the people of the municipality for final decision at the polls.’

‘Section 23. Eight per cent of the voters of any county,
I24 city or village, calculated upon the vote in the preceding
I25 general election for governor, may propose to the legis-
I26 lative body thereof an ordinance, or an amendment to the
I27 charter, or a statement of public policy, either by petition
I28 or by pasters attached to the official ballot at any election.
I29 A measure thus initiated shall have precedence over all
I30 other measures except such as are immediately necessary
I31 for the preservation of the public peace, health, or safety,
I32 and shall be finally acted upon not later than three months
I33 from the filing of the petition or the casting of the votes of
I34 initiation. The measure as initiated, unless it is passed
I35 without change, shall be submitted to a vote of the people
I36 of the municipality, together with any amended measure or
I37 substitute which may be recommended by the legislative
I38 body, and the submission shall be in such form that the
I39 people can choose between the competing measures or reject
I40 both. Voters may express second choice. If the measure
I41 initiated is passed without change, it shall not go to a refer-
I42 endum vote unless demanded in accordance with section 19.
I43 When there are competing measures and neither receives
I44 a majority of the votes cast for and against them, the one
I45 receiving the highest vote shall be re-submitted by itself if
I46 it receives more than one-third of the votes cast for and
I47 against both measures.’

‘Section 24. Any measure on which a referendum vote is
I49 called for in accordance with section 22 of this article shall
I50 be submitted to the people of the municipality not later than

151 the next election, provided the necessary petitions for the
152 referendum vote shall have been filed with the city clerk at
153 least thirty days before such election. Any measure initi-
154 ated in accordance with section 23 shall be submitted to the
155 people of the municipality not later than the next election
156 if there are sixty days between the time of final action by
157 the legislative body and election day; or in case the legis-
158 lative body takes no action, if there are four months between
159 the filing of the petition, or the casting of the votes of initia-
160 tion, and election day. The legislative body may call a
161 special election on any measure that is subject to a vote of
162 the people; and it shall call a special election if demanded
163 by twenty per cent of the voters.'

'Section 25. Each ordinance or joint resolution that is
165 subject to the optional referendum and is not ordered to a
166 direct ballot shall become law thirty days after its final
167 passage. Any measure referred to the people and approved
168 by a majority of the votes cast thereon, shall become law
169 five days after the official announcement. The veto power
170 of the mayor or other chief executive, shall not extend to
171 measures initiated by the people, nor to a competing meas-
172 ure of the legislative body. The legislative body may enact
173 measures expressly conditioned upon the people's ratifica-
174 tion by referendum vote.'

'Section 26. Until the legislature shall enact regulations
176 for applying the people's veto and direct initiative, as pre-
177 scribed in the foregoing amendments to article four, the
178 election officers and other officials shall be governed by the
179 provisions of this constitution and of the general law, sup-
180 plemented by such reasonable action as may be necessary
181 to render these constitutional amendments self-executing.'

Resolved, That all the foregoing is proposed to be voted
183 upon as one amendment, and not as two or more several
184 amendments.

Resolved, That the aldermen of cities, the selectmen of
186 towns and the assessors of the several plantations in this
187 State are hereby empowered and directed to notify the
188 inhabitants of their respective cities, towns and plantations
189 in the manner prescribed by law at the meeting in Septem-
190 ber in the year one thousand nine hundred and six upon the
191 amendment proposed in the foregoing resolution, and the
192 question shall be

“Shall the constitution be amended as proposed by a reso-
194 lution of the legislature providing for the establishment of
195 a people’s veto through the optional referendum and a direct
196 initiative by petition and at general elections?” and the
197 inhabitants of said cities, towns and plantations shall vote
198 by ballot on said question, those favoring the amendment
199 voting “yes” and those opposed voting “no” upon their bal-
200 lots, and the ballots shall be received, sorted, counted and
201 declared in open ward, town and plantation meeting and
202 lists of the votes so received shall be made and returned to
203 the office of the secretary of state in the same manner as
204 votes for governor and members of the legislature, and the
205 governor and council shall count the same and make return
206 to the next legislature, and if it shall appear that a majority
207 of the votes are in favor of the amendment, the constitution
208 shall be amended accordingly.

Resolved, That the secretary of state shall prepare and fur-
210 nish to the several cities, towns and plantations, ballots and
211 blank returns in conformity to the foregoing resolves accom-
212 panied by a copy thereof.

STATE OF MAINE.

IN SENATE, January 26, 1905.

Presented by Mr. CLARK of Hancock, and on motion by same Senator,
laid on table to be printed, pending reference to the Committee on the
Judiciary.

KENDALL M. DUNBAR, *Secretary.*