

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 32

STATE OF MAINE.

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

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

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

By striking out all of section one after the word "Maine" in
6 the third line, thereof, and inserting in lieu thereof the fol-
7 lowing words—"but the people reserve to themselves power to
8 propose laws and amendments to the constitution of the state,
9 and to enact or reject the same at the polls, independent of
10 the legislature, and also reserve power at their own option to
11 approve or reject at the polls any act, bill or resolution passed

12 by the joint action of both branches of the legislature, and the
13 style of their laws and acts shall be—"BE IT ENACTED
14 BY THE PEOPLE OF THE STATE OF MAINE."

Part third of article four is hereby amended as follows, viz:

By inserting in section one after the words "biennially and"
17 in the second line thereof, the words "with the exceptions
18 hereinafter stated", so that said section as amended shall read
19 as follows:

'The legislature shall convene on the first Wednesday of Jan-
21 uary biennially, and, with the exceptions hereinafter stated,
22 shall have full power to make and establish all reasonable
23 laws and regulations for the defense and benefit of the people
24 of this state, not repugnant to this constitution nor to that of
25 the United States.'

Part third of article four is further amended, by adding to
27 said article the following sections, to be numbered from six-
28 teen to twenty-three inclusive, viz:

'Sect. 16. No act or joint resolution of the legislature shall
2 take effect until ninety days after the final adjournment of the
3 session of the legislature passing it, unless in case of emer-
4 gency, (which with the facts constituting the emergency shall
5 be expressed in the preamble or body of the act), the legisla-
6 ture shall, by a vote of two-thirds of all the members elected
7 to each house, otherwise direct. An emergency bill shall
8 include only such measures as are immediately necessary for
9 the preservation of the public peace, health, or safety, and
10 appropriations for payment of salaries fixed by law and
11 for payment of the expenses of the legislature, and shall not
12 include (1) an infringement of the right of home rule for

13 municipalities, (2) a franchise or license to a corporation or
14 an individual to extend longer than one year, or (3) provision
15 for the sale or purchase or renting for more than five years
16 of real estate.

Sect. 17. Upon written petition of not less than ten per
2 cent of the electors who voted for Governor at the next pre-
3 ceding state election, not more than fifteen per cent. of whom
4 shall reside in any one county, addressed to the Governor and
5 filed in the office of the secretary of state within ninety days
6 after the final adjournment of the session of the legislature,
7 requesting that one or more acts, bills, joint resolutions or
8 part or parts thereof passed by the legislature at said session,
9 but not then in effect by reason of the provisions of the pre-
10 ceding section, be referred to the people. Such acts, bills,
11 joint resolutions or part or parts thereof as are specified in
12 such petition shall not take effect until thirty days after the
13 Governor shall have announced by public proclamation that
14 the same have been ratified by a majority of the electors vot-
15 ing thereon at a general or special election. As soon as it
16 appears that the effect of any act, bill or joint resolution or
17 part or parts thereof has been suspended by petition in man-
18 ner aforesaid, the Governor by public proclamation shall give
19 notice thereof, and of the time when such measure is to be
20 voted on by the people, which shall be at the next general
21 election not less than sixty days after such proclamation, or
22 in case of no general election within six months thereafter
23 the governor may, and if so requested in said written petition,
24 shall order such measure submitted to the people at a special
25 election not less than four months after his proclamation
26 thereof.

Sect. 18. The electors may propose to the legislature for
2 its consideration any bill or resolution, including bills to
3 amend or reject emergency legislation, and also amendments
4 of the state constitution, either by pasters attached to the offi-
5 cial ballot at a general election held within the year previous
6 to the session of the legislature, or by written petitions
7 addressed to the legislature, or to either branch thereof, and
8 filed in the office of the secretary of state, or presented to
9 either branch of the legislature, at least thirty days before the
10 close of its session. Any measure not including amendments
11 of the state constitution, thus proposed by not less than ten
12 per cent. of the electors who voted for Governor at the last
13 state election, not more than fifteen per cent. of whom shall
14 reside in any one county, unless enacted without change by
15 the legislature at the session at which it is presented, shall be
16 submitted to the electors together with any amended form,
17 substitute, or recommendation of the legislature, and in such
18 manner that the people can choose between the competing
19 measures or reject both. If the measure initiated is enacted
20 by the legislature without change, it shall not be submitted
21 to a referendum vote, unless in pursuance of a demand made
22 in accordance with section seventeen. The legislature may
23 order a special election on any measure that is subject to a
24 vote of the people. The Governor may, and if so requested
25 by the pasters or in the written petitions addressed to the
26 legislature, shall by proclamation order any measure proposed
27 to the legislature as hereinbefore provided and not enacted by
28 the legislature without change, to be referred to the people at
29 a special election to be held not less than four months after
30 such proclamation, otherwise such measure shall be submitted

31 to the vote of the people at the next general election to be
32 held not less than four months thereafter.

Sect. 19. Any measure referred to the people and approved
2 by a majority of the votes given thereon shall, unless a later
3 date is specified in said measure, take effect and become a law
4 in thirty days after the Governor has made public proclama-
5 tion of the result of the vote on said measure, which he shall
6 do within ten days after the vote thereon has been canvassed
7 and determined. The veto power of the Governor shall not
8 extend to any measure approved by vote of the people, and
9 any measure initiated by the people and passed by the legisla-
10 ture without change, if vetoed by the Governor shall be
11 referred to the people to be voted on at the next general elec-
12 tion. The legislature may enact measures expressly condi-
13 tioned upon the people's ratification by a referendum vote.

Sect. 20. Any amendment of the state constitution pro-
2 posed as provided in section eighteen by not less than fifteen
3 per cent. of the electors who voted for Governor at the next
4 preceding state election, not more than fifteen per cent of
5 whom shall reside in any one county, unless agreed upon
6 without change by the legislature and submitted to the people
7 by a resolve in accordance with article ten section two of the
8 constitution, shall be submitted to the people at the next bien-
9 nial election in September, together with any amended form
10 or substitute proposed by the legislature in accordance with
11 article ten section two of the constitution, in such manner that
12 the people can choose between the competing amendments or
13 reject both. Any amendment to the constitution submitted
14 to the people and approved by a majority vote of the electors

15 voting upon it, shall become a part of the constitution.
16 Article ten, section three of the constitution shall apply to all
17 amendments of the same which may be proposed by the elec-
18 tors and approved by a majority vote of the people.

Sect. 21. As used in either of the three preceding sections
2 the words "electors" and "people" mean the electors of the
3 state qualified to vote for Governor; "general election" means
4 the November election for choice of presidential electors or
5 the September election for choice of Governor and other state
6 and county officers; "measure" means an act, bill or resolu-
7 tion passed or enacted by the legislature, or bill or resolution
8 proposed by the people, or two or more such, or part or parts
9 of such, as the case may be; "written petition" means one or
10 more petitions written or printed, or partly written and partly
11 printed, with the original signatures of the petitioners
12 attached, verified as to the authenticity of the signatures by
13 the oath of one of the petitioners certified thereon, and
14 accompanied by the certificate of the clerk of the city, town,
15 or plantation in which the petitioners reside that their names
16 appear on the voting list of his city, town or plantation, as
17 qualified to vote for Governor. The petitions and pasters
18 attached to the official ballot shall set forth the full text of
19 the measure or amendment to the constitution requested or
20 proposed. The full text of a measure or amendment to the
21 constitution submitted to a vote of the people under the pro-
22 visions of the constitution need not be printed on the official
23 ballots, but, until otherwise provided by the legislature, the
24 secretary of state shall prepare the ballots in such form as to
25 present the question or questions concisely and intelligibly.

Sect. 22. The city council of any city may establish the
2 initiative and referendum for the electors of such city in
3 regard to its municipal affairs, provided that the ordinance
4 establishing and providing the method of exercising such ini-
5 tiative and referendum shall not take effect until ratified by
6 vote of a majority of the electors of said city, voting thereon
7 at a municipal election. Provided, however, that the legisla-
8 ture may at any time provide a uniform method for the exer-
9 cise of the initiative and referendum in municipal affairs.

Sect. 23. Until the legislature shall enact further regula-
2 tions not inconsistent with the constitution for applying the
3 peoples' veto and direct initiative, the election officers and
4 other officials shall be governed by the provisions of this con-
5 stitution and of the general law, supplemented by such rea-
6 sonable action as may be necessary to render the preceding
7 sections self-executing.

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

Resolved, That the aldermen of cities, the selectmen of
5 towns, and the assessors of the several plantations, in this
6 state, are hereby empowered and directed to notify the inhab-
7 itants of their respective cities, towns and plantations in the
8 manner prescribed by law, to vote at the meeting in Septem-
9 ber in the year one thousand nine hundred and eight, upon
10 the amendment proposed in the foregoing resolutions, and the
11 question shall be

“Shall the constitution be amended as proposed by a resolu-
13 tion of the legislature providing for the establishment of a

14 peoples' veto through the optional referendum, and a direct
15 initiative by petition and at general and special elections?"

And the inhabitants of said cities, towns, and plantations
17 shall vote by ballot on said question, those favoring the
18 amendment voting "yes" and those opposing voting "no"
19 upon their ballots, and the ballots shall be received, sorted,
20 counted and declared in open ward, town and plantation
21 meeting and lists of the votes so received shall be made and
22 returned to the office of the secretary of state in the same
23 manner as votes for Governor and members of the legislature,
24 and the Governor and Council shall count the same and make
25 return to the next legislature, and if it shall appear that a
26 majority of the votes are in favor of the amendment, the
27 constitution shall be amended accordingly.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, January 23, 1907.

Tabled pending reference to a committee, by Mr. JOHNSON of Water-
ville, and ordered printed.

E. M. THOMPSON, *Clerk*.