

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 446

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 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,
5 viz.:

By striking out all of section one after the word "Maine"
7 in the third line thereof, and inserting in lieu thereof the
8 following words 'but the people reserve to themselves power
9 to propose laws and amendments to the constitution of the
10 state, and to enact or reject the same at the polls, independent

11 of the legislature, and also reserve power at their own option
12 to approve or reject at the polls any act, bill, resolve or reso-
13 lution passed by the joint action of both branches of the
14 legislature,' and the style of their laws and acts shall be "Be
15 it enacted by the people of the state of Maine."

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

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

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

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

'Sect. 16. No act or joint resolution of the legislature,
2 except such orders or resolutions as pertain solely to facili-
3 tating the performance of the business of the legislature, of
4 either branch, or of any committee or officer thereof, or
5 appropriate money therefor or for the payment of salaries
6 fixed by law, shall take effect until ninety days after the
7 recess of the legislature passing it, unless in case of emer-
8 gency (which with the facts constituting the emergency shall
9 be expressed in the preamble of the act,) the legislature
10 shall, by a vote of two-thirds of all the members elected to

11 each house, otherwise direct. An emergency bill shall
12 include only such measures as are immediately necessary for
13 the preservation of the public peace, health or safety; and
14 shall not include (1) an infringement of the right of home
15 rule for municipalities, (2) a franchise or a license to a
16 corporation or an individual to extend longer than one year,
17 or (3) provision for the sale or purchase or renting for more
18 than five years of real estate.'

'Sect. 17. Upon written petition of not less than ten thou-
2 sand electors, addressed to the governor and filed in the
3 office of the secretary of state within ninety days after the
4 recess of the legislature, requesting that one or more acts,
5 bills, resolves or resolutions, or part or parts thereof, passed
6 by the legislature at said session, but not then in effect by rea-
7 son of the provisions of the preceding section, be referred to
8 the people, such acts, bills, resolves, or resolutions or part or
9 parts thereof as are specified in such petition shall not take
10 effect until thirty days after the governor shall have an-
11 nounced by public proclamation that the same have been rati-
12 fied by a majority of the electors voting thereon at a general
13 or special election. As soon as it appears that the effect of
14 any act, bill, resolve, or resolution or part or parts thereof has
15 been suspended by petition in manner aforesaid, the governor
16 by public proclamation shall give notice thereof and of the
17 time when such measure is to be voted on by the people,
18 which shall be at the next general election not less than
19 sixty days after such proclamation, or in case of no general
20 election within six months thereafter the governor may, and
21 if so requested in said written petition, shall order such
22 measure submitted to the people at a special election not less

23 than four nor more than six months after his proclamation
24 thereof.'

'Sect. 18. The electors may propose to the legislature for
2 its consideration any bill, resolve or resolution, **including**
3 bills to amend or repeal emergency legislation and also
4 amendments of the state constitution, by written petitions
5 addressed to the legislature or to either branch thereof and
6 filed in the office of the secretary of state or presented to
7 either branch of the legislature at least thirty days before
8 the close of its session. Any measure not including amend-
9 ments of the state constitution, thus proposed by not less
10 than twelve thousand electors, unless enacted without change
11 by the legislature at the session at which it is presented,
12 shall be submitted to the electors, together with any amended
13 form, substitute, or recommendation of the legislature, and
14 in such manner that the people can choose between the com-
15 peting measures or reject both. When there are competing
16 bills and neither receives a majority of the votes given for
17 and against both, the one receiving the most votes shall at
18 the next general election to be held not less than sixty days
19 after the first vote thereon be re-submitted by itself if it
20 receives more than one-third of the votes given for and
21 against both. If the measure initiated is enacted by the
22 legislature without change, it shall not be submitted to a
23 referendum vote, unless in pursuance of a demand made in
24 accordance with section seventeen. The legislature may
25 order a special election on any measure that is subject to a
26 vote of the people. The governor may, and if so requested
27 in the written petitions addressed to the legislature, shall by
28 proclamation order any measure proposed to the legislature

29 as hereinbefore provided and not enacted by the legislature
30 without change, to be referred to the people at a special
31 election to be held not less than four nor more than six
32 months after such proclamation, otherwise said measure
33 shall be voted upon at the next general election held not less
34 than sixty days after the recess of the legislature to which
35 such measure was proposed.'

'Sect. 19. Any measure referred to the people and
2 approved by a majority of the votes given thereon shall,
3 unless a later date is specified in said measure, take effect
4 and become a law in thirty days after the governor has made
5 public proclamation of the result of the vote on said meas-
6 ure, which he shall do within ten days after the vote thereon
7 has been canvassed and determined. The veto power of the
8 governor shall not extend to any measure approved by vote
9 of the people, and any measure initiated by the people and
10 passed by the legislature without change, if vetoed by the
11 governor and if his veto is sustained by the legislature shall
12 be referred to the people to be voted on at the next general
13 election. The legislature may enact measures expressly con-
14 ditioned 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, unless agreed upon without change
5 by the legislature and submitted to the people by a resolve in
6 accordance with article ten section two of the constitution,
7 shall be submitted to the people at the next biennial election
8 in September together with any amended form or substitute

9 proposed by the legislature in accordance with article ten
10 section two of the constitution, in such manner that the peo-
11 ple can choose between the competing amendments or reject
12 both. Any amendment to the constitution submitted to the
13 people and approved by a majority vote of the electors vot-
14 ing upon it, shall become a part of the constitution. Article
15 ten, section three of the constitution shall apply to amend-
16 ments of the same which may be proposed by the electors
17 and approved by a majority vote of the people.'

'Sect. 21. As used in either of the preceding sections the
2 words "electors" and "people" mean the electors of the state
3 qualified to vote for governor, "general election" means the
4 November election for choice of presidential electors or the
5 September election for choice of governor and other state
6 and county officers; "measure" means an act, bill, resolve or
7 resolution passed or enacted by the legislature, or bill, resolve
8 or resolution proposed by the people, or two or more such,
9 or part or parts of such, as the case may be; "written peti-
10 tion" means one or more petitions written or printed, or
11 partly written and partly printed, with the original signa-
12 tures of the petitioners attached, verified as to the authen-
13 ticity of the signatures by the oath of one of the petitioners
14 certified thereon, and accompanied by the certificate of the
15 clerk of the city, town or plantation in which the petitioners
16 reside that their names appear on the voting list of his city,
17 town or plantation, as qualified to vote for governor. The
18 petitions shall set forth the full text of the measure or
19 amendment to the constitution requested or proposed. The
20 full text of a measure or amendment to the constitution sub-

21 mitted to a vote of the people under the provisions of the
22 constitution need not be printed on the official ballots, but,
23 until otherwise provided by the legislature, the secretary of
24 state shall prepare the ballots in such form as to present the
25 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
5 initiative and referendum shall not take effect until ratified
6 by vote of a majority of the electors of said city, voting
7 thereon at a municipal election. Provided, however, that
8 the legislature may at any time provide a uniform method
9 for the exercise of the initiative and referendum in municipi-
10 pal affairs.'

'Sect. 23. Until the legislature shall enact further regula-
2 tions not inconsistent with the constitution for applying the
3 people's 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
6 reasonable action as may be necessary to render the preced-
7 ing 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
11 the question shall be

“Shall the constitution be amended as proposed by a reso-
13 lution of the legislature providing for the establishment of
14 a people’s veto through the optional referendum and a direct
15 initiative by petition and at general and special elections?”
16 and the inhabitants of said cities, towns and plantations shall
17 vote by ballot on said question, those favoring the amend-
18 ment voting “yes” and those opposing voting “no” upon
19 their ballots, and the ballots shall be received, sorted, counted
20 and declared in open ward, town and plantation meetings
21 and lists of the votes so received shall be made and returned
22 to the office of the secretary of state in the same manner as
23 votes for governor and members of the legislature, and the
24 governor and council shall count the same and make return
25 to the next legislature, and if it shall appear that a majority
26 of the votes are in favor of the amendment, the constitution
27 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, March 8, 1907.

Reported by a minority of the Committee on the Judiciary, and ordered
printed on motion of Mr. WEEKS of Fairfield.

E. M. THOMPSON, *Clerk.*