

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing Co.
Augusta, Maine

CONSTITUTIONAL RESOLUTION
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND NINTH LEGISLATURE

January 2, 1980 to April 3, 1980

CHAPTER 3

H. P. 1638 — L. D. 1747

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions.

Constitutional amendment. RESOLVED: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 3, § 17, as amended by C R 1975, c. 2, is further amended to read:

Section 17. Proceedings for referendum; ~~proclamation by Governor~~ people's veto.

1. Petition procedure. Upon written petition of electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the Secretary of State by the hour of five o'clock, p. m., on **or before** the ninetieth day after the recess of the Legislature, or if such ninetieth day is a Saturday, a Sunday, or a legal holiday, by the hour of five o'clock, p. m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a ~~general or special~~ **statewide** election.

2. Effect of referendum. The effect of any Act, bill, resolve or resolution or part or parts thereof as are specified in such petition shall be suspended upon the filing of such petition. If it is later finally determined, in accordance with any procedure enacted by the Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon the day following such final determination.

3. Referral to electors. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next ~~general~~ **statewide** election not less than sixty days after such proclamation, or in case of no ~~general~~ **statewide** election within six months thereafter the Governor may ~~and if so requested in said written petition therefor,~~ ~~shall~~ order such measure submitted to the people at a special election not less

than ~~four sixty days~~ nor more than six months after his proclamation thereof. If the Governor is requested in the written petition to order such measure to be submitted to the people at a special election and if he fails to do so in the public proclamation giving notice that the effect of an Act, bill, resolve or resolution or part or parts thereof has been suspended by petition **fails to order such measure to be submitted to the people at the next statewide election**, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at a special election ~~as requested~~ **such an election** and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Pt. 3, § 18, as amended by C R 1975, c. 2, is further amended to read:

Section 18. Direct initiative of legislation; ~~number signatures necessary on direct initiative petitions.~~

1. **Petition procedure.** The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State by the hour of five o'clock, p.m., on **or before the fiftieth day after the date of convening of the Legislature in first regular session or on or before the twenty-fifth day after the date of convening of the Legislature in second regular session.** If the fiftieth or twenty-fifth day, whichever applies, is a **Saturday, Sunday, or legal holiday**, the period runs until the hour of five o'clock, p.m., of the next day **which is not a Saturday, Sunday, or legal holiday.**

2. **Referral to electors unless enacted by the Legislature without change.** Any measure thus proposed by electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next ~~general~~ **statewide** election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people.

3. **Timing of elections.** The Governor ~~may, and if so requested in the written petitions addressed to the Legislature~~ shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at a ~~special~~ **an** election to be held ~~not less~~

~~than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the Legislature, to which such measure was proposed in November of the year in which the petition is filed. If the Governor is requested in the written petition fails to order a measure proposed to the Legislature and not enacted iwthout change to be submitted to the people at such a special an election and if he fails to do so by proclamation within ten days after the recess of the Legislature to which the measure was proposed, the Secretary of State shall, by proclamation, order such measure to be sumbitted to the people at a special an election as requested, and such order shall be sufficient to enable the people to vote.~~

Constitution, Art. IV, Pt. 3, § 20, first sentence, as amended by C R 1975, c. 2, is further amended to read:

As used in any of the three preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "~~general statewide election~~" means ~~the November election for choice of presidential electors, Governor and other state and county officers~~ **any election held throughout the State on a particular day**; "measure" means an Act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor.

Constitution, Art. IV, Pt. 3, § 20, 3rd sentence, as enacted by C R 1975, c. 2, is amended to read:

Written petitions for a ~~referendum~~ **people's veto** pursuant to Article IV, Part 3, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the fifth day before the petition must be filed in the office of the Secretary of State, or, if such fifth day is a Saturday, a Sunday or a legal holiday, by five o'clock, p.m., on the next day which is not a Saturday, a Sunday or a legal holiday.

Constitution, Art. IV, Pt. 3, § 20, 4th sentence, as enacted by C R 1975, c. 2, is amended to read:

Written petitions for ~~an~~ a **direct** initiative pursuant to Article IV, Part 3, Section ~~17~~ 18 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the third day before the petition must be filed in the office of the Secretary of State, or, if such third day is a legal holiday, by five o'clock, p.m., on the next day which is not a legal holiday.

Constitution, Art. IV, Pt. 3, § 21, 1st sentence, is amended to read:

The city council of any city may establish the **direct** initiative and ~~referendum~~ **people's veto** for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such **direct** initiative and ~~referendum~~ **people's veto** shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November following passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended to change the referendum provisions so that the direct initiative and people's veto elections can be held at the same time as a scheduled statewide election?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for the members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

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