

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 323 - L.D. 764

**An Act to Ensure That Effective Dates of First Special Session Direct Initiatives of Legislation Will Occur After the November 2023 Election**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Constitution of Maine, Article IV, Part Third, Section 18 provides that the electors may propose to the Legislature, for its consideration, any bill, resolve or resolution by written petition, and the Maine Revised Statutes, Title 21-A, chapter 11 sets out the procedure for such a people's direct initiative of legislation; and

**Whereas**, 4 direct initiatives were introduced during the First Special Session of the 131st Legislature; and

**Whereas**, 3 of those direct initiatives concern participation in the political process; and

**Whereas**, unless enacted by the Legislature without change, those direct initiatives will be presented to voters on the general election to be held on November 7, 2023; and

**Whereas**, participation in elections may entail "core political speech" protected by the First Amendment to the United States Constitution; and

**Whereas**, the Legislature desires to consider enacting one or more of the direct initiatives without change during the First Special Session of the 131st Legislature without affecting participation in the November general election; and

**Whereas**, the effective date of any direct initiative enacted during the First Special Session of the 131st Legislature, which is 90 days after adjournment, may occur during the November election cycle, which may result in a change to the election rules in the middle of an election and thereby affect participation in the November general election; and

**Whereas**, this Act seeks to delay the effective date of any direct initiative enacted during the First Special Session until after the November 2023 election in order to not affect participation in this election, but not to otherwise change the direct initiatives as proposed to the Legislature by the electors; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Effective date.** Notwithstanding any provision of law to the contrary, bills enacted during the First Special Session of the 131st Legislature that are direct initiatives of legislation pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 and are identified as L.D. 1610, "An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution," L.D. 1611, "An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility," and L.D. 1772, "An Act to Require Voter Approval of Certain Borrowing by Government-controlled Entities and Utilities and to Provide Voters More Information Regarding That Borrowing," have an effective date of January 1, 2024, unless the direct initiative provides for an effective date later than January 1, 2024, in which case the effective date in that direct initiative applies.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.