



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1669

H.P. 1240

House of Representatives, May 5, 2021

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Limit the Action the Legislature May Take on Initiatives
Approved by Voters for a Period of 3 Years**

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Gorham.
Cosponsored by President JACKSON of Aroostook and
Representatives: CUDDY of Winterport, GROHOSKI of Ellsworth, HASENFUS of Readfield,
LOOKNER of Portland, WARREN of Hallowell.

1 **Constitutional amendment. Resolved:** Two thirds of each branch of the
2 Legislature concurring, that the following amendment to the Constitution of Maine be
3 proposed:

4 **Constitution, Article IV, Part Third, §19** is amended to read:

5 **Section 19. Effective date of measures approved by people; veto power**
6 **limited.** Any measure referred to the people and approved by a majority of the votes given
7 thereon shall, unless a later date is specified in said measure, take effect and become a law
8 in 30 days after the Governor has made public proclamation of the result of the vote on said
9 measure, which the Governor shall do within 10 days after the vote thereon has been
10 canvassed and determined; provided, however, that any such measure which entails
11 expenditure in an amount in excess of available and unappropriated state funds shall remain
12 inoperative until 45 days after the next convening of the Legislature in regular session,
13 unless the measure provides for raising new revenues adequate for its operation. The veto
14 power of the Governor shall not extend to any measure approved by vote of the people, and
15 any measure initiated by the people and passed by the Legislature without change, if vetoed
16 by the Governor and if the veto is sustained by the Legislature shall be referred to the people
17 to be voted on at the next general election. Any measure approved by vote of the people
18 may be repealed by the Legislature within 3 years of its effective date only by a vote of 3/4
19 of all the members elected to each House and may be changed by the Legislature within 3
20 years of its effective date only by a vote of 2/3 of all the members elected to each House.
21 A change made by the Legislature to a measure approved by vote of the people within 3
22 years of its effective date may not frustrate the purpose of that measure. The Legislature
23 shall fund adequately a measure approved by vote of the people for 3 years after its effective
24 date. The electors may repeal or change a measure approved by vote of the people within
25 3 years of its effective date by using the process set forth in Article IV, Part Third, Section
26 18. The Legislature may enact measures expressly conditioned upon the people's
27 ratification by a referendum vote.

28 **Constitutional referendum procedure; form of question; effective date.**
29 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
30 respective cities, towns and plantations to meet, in the manner prescribed by law for holding
31 a statewide election, at a statewide election held in the month of November following the
32 passage of this resolution, to vote upon the ratification of the amendment proposed in this
33 resolution by voting upon the following question:

34 "Do you favor amending the Constitution of Maine to require a 3/4 vote of
35 the Legislature for the Legislature to repeal a direct initiative approved by
36 the voters within 3 years of its effective date and a 2/3 vote of the
37 Legislature for the Legislature to change a direct initiative approved by the
38 voters within 3 years of its effective date?"

39 The legal voters of each city, town and plantation shall vote by ballot on this question
40 and designate their choice by a cross or check mark placed within the corresponding square
41 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared
42 in open ward, town and plantation meetings and returns made to the Secretary of State in
43 the same manner as votes for members of the Legislature. The Governor shall review the
44 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,

1 the Governor shall proclaim that fact without delay and the amendment becomes part of
2 the Constitution of Maine on the date of the proclamation.

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

6 **SUMMARY**

7 This resolution proposes to amend the Constitution of Maine to provide that any
8 measure approved by vote of the people may be repealed by the Legislature within 3 years
9 of its effective date only by a vote of 3/4 of all the members elected to each House and may
10 be changed by the Legislature within 3 years of its effective date only by a vote of 2/3 of
11 all the members elected to each House. A change made by the Legislature to a measure
12 approved by vote of the people within 3 years of its effective date may not frustrate the
13 purpose of that measure. The Legislature must fund adequately a measure approved by
14 vote of the people for 3 years after its effective date. The electors may repeal or change a
15 measure approved by vote of the people within 3 years of its effective date by using the
16 process set forth in the Constitution of Maine, Article IV, Part Third, Section 18.