

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**RESOLUTION, Proposing an Amendment to the  
Constitution of Maine To Limit Petitions for Direct  
Initiatives That Would Violate the Constitution of Maine**

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

**Constitution, Art. IV, Pt. Third, §18, sub-§1** is amended by adding at the end a new paragraph to read:

No later than 10 days after the filing of a written petition in the office of the Secretary of State pursuant to this subsection, the Governor, Attorney General, Legislature by a 1/3 vote of both Houses or at least 500 electors by petition filed in the office of the Secretary of State may request an opinion of the Justices of the Supreme Judicial Court on whether the bill, resolve or resolution proposed by electors to the Legislature would, if passed and implemented, violate this Constitution in any manner, including, but not limited to, the restriction or abridgment of the rights of citizens expressly declared in this Constitution. The Justices of the Supreme Judicial Court shall issue their opinion no later than 30 days after a request is made. The Secretary of State shall reject a written petition if a majority of the Justices of the Supreme Judicial Court determines that the bill, resolve or resolution proposed by electors would, if passed and implemented, violate this Constitution.

; and be it further

**Constitutional referendum procedure; form of question; effective date.**

**Resolved:** That the municipal officers 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 a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to require the Secretary of State to reject a petition for a direct initiative of legislation if, upon request of the Governor, Attorney General, Legislature or at least 500 electors of this State, a majority of the Justices of the Supreme Judicial Court determines that the initiative would, if passed and implemented, violate the Constitution of Maine?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must 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 members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation; and be it further

**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.

### **SUMMARY**

This resolution proposes to amend the Constitution of Maine to allow the Governor, Attorney General, Legislature by a 1/3 vote of both Houses or at least 500 electors by petition filed in the office of the Secretary of State to request an opinion of the Justices of the Supreme Judicial Court on whether a bill, resolve or resolution proposed by electors to the Legislature would, if passed and implemented, violate the Constitution of Maine in any manner, including, but not limited to, the restriction or abridgement of the rights of citizens expressly declared in the Constitution of Maine. The Secretary of State must reject a petition if a majority of the Justices of the Supreme Judicial Court determines that the bill, resolve or resolution proposed by electors would, if passed and implemented, violate the Constitution of Maine.