"Enacted as Resolves 1907, c.121"

NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE. No. 441

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 by 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 namely:

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 to enact or reject the same at the polls
10 independent of the legislature, and also reserve power at their

11 own option to approve or reject at the polls any act, bill,
12 resolve or resolution passed by the joint action of both
13 branches of the legislature, and the style of their laws and
14 acts shall be 'Be it enacted by the people of the state of
15 Maine,' so that said section as amended shall read as follows,
16 namely:

'The legislative power shall be vested in two distinct
18 branches, a house of representatives and a senate, each to
19 have a negative on the other, and both to be styled the legis-
20 lature of Maine, but the people reserve to themselves power
21 to propose laws and to enact or reject the same at the polls
22 independent of the legislature, and also reserve power at
23 their own option to approve or reject at the polls any act,
24 bill resolve or resolution passed by the joint action of both
25 branches of the legislature, and the style of their laws and
26 acts shall be, 'Be it enacted by the people of the state of
27 Maine.'

Part third of article four is hereby amended as follows,
29 namely:

By inserting in section one, after the words "biennially
31 and" in the second line thereof, the words 'with the excep-
32 tions hereinafter stated,' so that said section shall read as
33 amended:

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

Part third of article four is further amended by adding to
41 said article the following sections to be numbered from
42 sixteen to twenty-two inclusive, namely:

'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, but not then in effect by reason of the
7 provisions of the preceding section, be referred to the people,
8 such acts, bills, resolves, or resolutions or part or parts

9 thereof as are specified in such petition shall not take effect
10 until thirty days after the governor shall have announced by
11 public proclamation that the same have been ratified by a
12 majority of the electors voting thereon at a general or special
13 election. As soon as it appears that the effect of any act,
14 bill, resolve, or resolution or part or parts thereof has been
15 suspended by petition in manner aforesaid, the governor by
16 public proclamation shall give notice thereof and of the time
17 when such measure is to be voted on by the people, which
18 shall be at the next general election not less than sixty days
19 after such proclamation, or in case of no general election
20 within six months thereafter the governor may, and if so
21 requested in said written petition therefor, 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 but not an
4 amendment of the state constitution, by written petition
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 thus proposed by not
9 less than twelve thousand electors, unless enacted without
10 change by the legislature at the session at which it is pre-
11 sented, shall be submitted to the electors together with any
12 amended form, substitute, or recommendation of the legis-
13 lature, and in such manner that the people can choose
14 between the competing measures or reject both. When there

15 are competing bills and neither receives a majority of the
16 votes given for or against both, the one receiving the most
17 votes shall at the next general election to be held not less
18 than sixty days after the first vote thereon be submitted by
19 itself if it receives more than one-third of the votes given
20 for and against both. If the measure initiated is enacted by
21 the legislature without change, it shall not go to a refer-
22 endum vote unless in pursuance of a demand made in accord-
23 ance with the preceding section. The legislature may order
24 a special election on any measure that is subject to a vote
25 of the people. The governor may, and if so requested in
26 the written petitions addressed to the legislature, shall, by
27 proclamation, order any measure proposed to the legislature
28 by at least twelve thousand electors as herein provided, and
29 not enacted by the legislature without change, referred to the
30 people at a special election to be held not less than four nor
31 more than six months after such proclamation, otherwise
32 said measure shall be voted upon at the next general election
33 held not less than sixty days after the recess of the legisla-
34 ture, to which 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 peoples' ratification by a referendum vote.'

'Sect. 20. As used in either of the three preceding sec-
2 tions the words "electors" and "people" mean the electors of
3 the state qualified to vote for governor; "recess of the legis-
4 lature" means the adjournment without day of a session of
5 the legislature; "general election" means the November
6 election for choice of presidential electors or the September
7 election for choice of governor and other state and county
8 officers; "measure" means an act, bill, resolve or resolution
9 proposed by the people, or two or more such, or part or parts
10 of such, as the case may be; "written petition" means one
11 or more petitions written or printed, or partly written and
12 partly printed, with the original signatures of the petitioners
13 attached, verified as to the authenticity of the signatures by
14 the oath of one of the petitioners certified thereon, and
15 accompanied by the certificate of the clerk of the city, town
16 or plantation in which the petitioners reside that their
17 names appear on the voting list of his city, town or planta-
18 tion as qualified to vote for governor. The petitions shall
19 set forth the full text of the measure requested or proposed.
20 The full text of a measure submitted to a vote of the people
21 under the provisions of the constitution need not be printed
22 on the official ballots, but, until otherwise provided by the
23 legislature, the secretary of state shall prepare the ballots
24 in such form as to present the question or questions concisely
25 and intelligibly.'

'Sect. 21. The city council of any city may establish the initiative and referendum for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.'

'Sect. 22. Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing.'

Resolved, That all the foregoing is proposed to be voted upon as one amendment, and not as two or more several amendments.

Resolved, That the aldermen of cities, the selectmen of towns and the assessors of the several plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns, and plantations in the manner prescribed by law to vote at the meeting in September in the year one thousand nine hundred and eight upon the amendment proposed in the foregoing resolutions, and the question shall be

"Shall the constitution be amended as proposed by a resolution of the legislature providing for the establishment of