

MAINE'S CITIZENS INITIATIVES AND PEOPLE'S VETO REFERENDA: 1908 TO PRESENT

Origin and Frequency of Use

In 1908, Maine voters ratified a constitutional amendment allowing statewide citizen-initiated proposals to enact new legislation (Citizen Initiatives or CI) or to repeal laws passed by the legislature (People's Veto Referenda or PVR). Between 1911 and 2018, Maine citizens proposed 74 CIs:

- 39% went to ballot, passed, and became law
- 53% failed to pass at ballot
- 8% were enacted as laws or amendments by the legislature and never went to ballot.

Between 1911 and 1947, eight CIs appeared on the ballot, and then there were none until 1971. Since 1971, sixty-six initiatives appeared as ballot questions, reflecting a surge in voter activism. On the PVR side, 31 have gone to ballot since 1909. Of these, 61% passed and thereby repealed existing legislation.

Since 1996, there has not been a discernable relationship between the seated Governor and the number of CIs. During Angus King's two terms as an Independent Governor, CIs averaged 2.2 per year, in John Balducci's two terms as a Democratic Governor, the average was 2.5, and in Paul LePage's two terms as a Republican Governor, CIs averaged 1.9.

Although the number of CI/PVRs has increased over time, they represent a small fraction of all legislation passed by the Maine Legislature. In 2016, when the five CIs on the ballot represented an historical high reached only once before (in 2009), the 127th Legislature (2014-2016) had passed 513 Statutes, 90 Resolves, and considered 1703 Legislative Documents (LD).¹

CI/PVR Issues and Outcomes from 1996 to 2018

The 45 CI/PVR from 1996 to 2018 have addressed eight issue areas, as summarized in Table 1 on page 2. The Outcome/Comment column illustrates that after the SoS has certified a CI or PVR as having met the signature requirements, the citizen-initiated action can follow a variety of sometimes complicated paths. Roughly half of the CI/PVRs passed since 1996 have followed a straightforward path to enactment and implementation. For a CI/PV following a circuitous path, the petitioning organization can find that its work is not yet finished once the CI passes at ballot. In such cases, additional resources are needed for court battles and/or interacting with the Legislature.

Reforms in the CI/PV Process

Since the original constitutional amendment authorizing the CI/PVR process, [50 statutes](#) and [14 constitutional amendments](#) affecting CI/PVR law were enacted. Many of the changes address confusion around the process, which was not clearly described in the initial constitutional amendment; others aim at reducing opportunities for fraud in signature collection and/or the introduction of "frivolous" initiatives by making it more difficult to get a CI or PVR on the ballot.

The recent 129th Legislature considered a variety of bills that would change parts of the CI/PVR process—most adding new requirements for getting an initiative on the ballot. Tables 2 and 3 list each relevant bill by LD number, which links to the Legislature's LD database for more details. Eleven bills were proposed; three passed (in amended form) and eight did not. The long state history of CI/PVR activities and these recent bills underscore the need for the LWVME to come to consensus on CI/PVR policy positions.

¹ [Legislature/Law Library website accessed 3/14/19.](#)
<http://legislature.maine.gov/lawlib/lldl/legishist127.htm>

Table 1. Summary of CI/PVR Appearing on the Ballot from 1996 through 2018

Category	#	Dates	Maine CI/PV Proposals	Outcomes/Comments
Civil Rights	1	1997	CI defining marriage as man and woman	Enacted directly by Legislature
	2	1998 & 2005	PVR to repeal protections based on sexual orientation	1998 PVR passed; 2005 PVR failed
	1	2009	PVR of law authorizing same-sex marriage	PVR passed
	1	2012	CI Legalizing same-sex marriage	CI passed
Education	2	2003 & 2004	CI requiring State to fund 55% of education	2004 CI passed
	1	2008	CI introducing tax credit for college loans	Enacted directly by Legislature
	1	2009	PVR to repeal school district consolidation	PVR passed
	1	2016	CI creating education fund with 3% tax on wealthy	CI passed but Legislature repealed
Elections	1	1996	CI on mandatory term limit declarations by candidates	CI passed but repealed
	2	1996 & 2015	CIs on clean elections funding	1996 passed, partial repeal in 2011, revisions passed in 2015
	1	2011	PVR to repeal voter registration limitations	PVR passed
	2	2016 & 2018	CI and PV in favor of ranked-choice voting	CI and PVR both passed
Environment	2	1996 & 1997	CI to reduce clearcutting with one competing measure	Both CI failed
	1	2009	CI to lower excise tax for fuel-efficient cars.	CI failed
Gambling	9	2000-2017	CI proposing gambling at casinos and race tracks	2 of 9 passed
Hunting	2	2004 & 2014	CI to ban certain bear hunting practices	Both CI failed
Social	2	1998 & 2010	CI on medical marijuana legalization and use	Both CI passed
	1	1999	CI to increase abortion restrictions	CI failed
	1	2000	CI to allow assisted suicide	CI failed
	1	2016	CI to increase minimum wage	CI passed; amended by Legislature
	1	2016	CI to impose gun sale background checks	CI failed
	1	2016	CI to expand Medicaid	CI passed; implemented in 2019
	1	2016	CI on recreational marijuana legalization	CI passed; still working on "rules"
	1	2018	CI to fund home health care	CI failed
Taxes	3	2004, 2006, 2009	CI to limit property tax (2004), limit spending or require vote to increase taxes (2006 & 2009)	All 3 CI failed
	3	2000, 2008, 2010	PVR of taxes on snacks (2000) and beverages (2008), and changes in income & sales tax rules (2010)	2000 Legislatively enacted; others passed

Source: Categories developed by Study Committee based on Maine.gov listings of [CI](#) and [PVR](#).

Table 2. Legislation Passed by the 129th Legislature Affecting the CI/PVR Process

LD 499 An act to Prohibit Payment per Signature on Petitions for Direct Initiatives and People’s Veto Referendums. Amended version passed; it did not prohibit payment per signature but required reporting on how circulators were paid.
LD 534 An act to make ballot questions easier to read. Amended version passed eliminating specific reference to 6 th grade reading level and requiring that an explanation of the effect of a “yes” and “no” vote appear on the ballot.
LD 1209 An Act to require Legislative Hearings on Citizen-initiated legislation. Amended version allows an exception if 2/3 rd s of members in each house of the Legislature vote against hearings.

Table 3. Legislation Proposed by the 129th Legislature Relevant to the CI/PVR Process, but NOT Passed

LD 252 Resolution on Constitutional Amendment to prohibit new or increased fees or taxes by means of Direct Initiatives
LD 255 Resolution on Constitutional Amendment to require signatures on Direct Initiatives come from each Congressional District
LD 294 An act to require the fiscal impact estimate of a Direct Initiative be included on the ballot
LD 374 Resolution on Constitutional Amendment to require signatures on Direct Initiative come from each Senatorial District
LD1255 Resolution on Constitutional Amendment to require Referenda to receive 60% of the vote to become law
LD1438 An Act To Clarify the Intent of Referendum Questions for Voters
LD1565 Resolution, Proposing an Amendment to the Constitution of Maine To Protect Voter-approved Measures
LD1669 Resolution, Proposing an Amendment to the Constitution of Maine To Help Ensure That Direct Initiatives of Legislation Are Compatible with the Constitution of Maine and Statutory Law