

**LD 153 Resolution, Proposing an Amendment to the Constitution of Maine To Change the Number of Legislators Requires To Approve Constitutional Amendment (Kinney)**

To: Members, Joint Standing Committee on State and Local Government

From: Lynne Caswell, Esq., Legislative Analyst

Date: March 1, 2021

**SUMMARY**

This resolution proposes to amend Maine's Constitution to require that 2/3 of all members elected to each House of the Legislature vote in favor of a constitutional amendment. Currently a vote of 2/3 of the members present is required.

**TESTIMONY**

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**Sponsor:** Representative Kinney

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**Proponents:** written only: Maine Policy Institution, Nick Murray

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**Opponents:** none

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**NFNA:** none

**INFORMATION REQUESTS**

1. When does Maine's Constitution require a 2/3 vote of all members of each House?
  - State Mandate (Art. 9, §21);
  - Emergency law (Art. 4, Part 3<sup>rd</sup>, §16);
  - Reduce or alter the use of a State Park (Art. 9, §23); and
  - Expend Mining Excise Tax Trust Fund (Art. 9, §20)
2. What do other New England states require for constitutional amendments (see Attachment A for details)
  - Connecticut - Put to a stateside vote (majority to pass) if
    - Vote by least 75% of both chambers; or ;
    - Vote by a majority but less than 75% of "the total membership of each chamber", then carried over and "approved by a majority"
  - Massachusetts – placed on ballot if approved by majority of both houses at 2 successive joint legislative
  - New Hampshire – 60% vote of each house
  - Rhode Island – roll call vote of majority of members elected to each house
  - Vermont – originate in Senate; 2/3 vote of members of Senate + majority vote of House members; then majority vote of both chambers at next biennial session of general assembly

**POTENTIAL ISSUES / TECHNICAL PROBLEMS**

None identified

**FISCAL IMPACT - Preliminary (OFPR)**

None provided as of this date.

**OPLA RESEARCH REQUEST MEMO**

To: Lynne Caswell, Legislative Analyst

From: Darlene Shores Lynch, Senior Legislative Researcher

Date: February 24, 2021

RE: Legislative process to approve a proposed constitutional amendment (LD 153)

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Hi Lynne,

You asked me to research the legislative process for approving a proposed constitutional amendment in the New England states. Below is a summary of each state's process, including voting requirements for approval of a proposed constitutional amendment.

**Connecticut:** (Article XII of Connecticut Constitution)

- If a proposed constitutional amendment is approved by a **majority (but less than 75 percent) of the total membership of each chamber**, the proposed amendment is then carried over to the next session of the legislature. If the proposed amendment is again **approved by a majority**, it is then put to a statewide vote of the people.
- If the voters approve the proposed amendment by a simple majority vote, the amendment becomes part of the state's constitution.
- If a proposed constitutional amendment is approved by a **vote of 75 percent or more in both chambers** of the legislature, the proposed amendment does not have to be considered in two consecutive legislative sessions and can instead be put to a vote of the people at the next November general election.

**Massachusetts:** (Section 1 to 3 of Article LXXXI of Massachusetts Constitution)

- Constitutional amendments may be proposed by either house of the Massachusetts General Court.
- Consideration of the proposed constitutional amendment in a joint session may be called for by a vote of either house no later than the second Wednesday in May.
- Proposed constitutional amendments must receive **majority approval (50% + 1) at two successive joint legislative sessions** to be placed on the ballot.
- If a proposed constitutional amendment is approved by a simple majority of voters and by at least 30 percent of people voting in that election, the amendment becomes part of the state's constitution.

**New Hampshire:** (Part II, Article 100 of New Hampshire Constitution)

- Proposed constitutional amendments approved by a **60 percent vote in each house** of the New Hampshire General Court are allowed to go on the ballot.
- Once on the ballot, a proposed constitutional amendment must be approved by two-thirds of those voting in order to become part of the state's constitution.

**Rhode Island:** (Section 1 of Article XIV of the Rhode Island Constitution)

- Constitutional amendments may be proposed **by a roll call vote of a majority of the members elected to each house.**
- The proposed constitutional amendment must be published on the ballot in such manner as the general assembly directs.
- Statewide votes on a proposed constitutional amendment must take place at general elections.
- If a simple majority of voters approve the proposed constitutional amendment, the amendment becomes part of the state's constitution.

**Vermont:** (Section 72 of the Vermont Constitution )

- Proposed constitutional amendments must originate in the Vermont State Senate and can only be proposed every four years.
- To move forward, proposed amendments **must earn a two-thirds vote of the members of Vermont State Senate, but require only a majority vote of members of the Vermont House of Representatives.**
- Proposed constitutional amendments, once adopted by the Senate and House, must then be considered again at the next biennial session of the Vermont General Assembly. The proposed amendment **must win a majority vote of both chambers when it is considered for the second time.**
- Proposed constitutional amendments then go on a ballot for a vote of the state's electors. If a proposed amendment wins a simple majority vote, the amendment becomes part of the state's constitution.

I hope this information is useful. Please let me know if you need additional research on this topic.