

130th MAINE LEGISLATURE

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Legislative Document

No. 489

S.P. 196

In Senate, February 19, 2021

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment

Received by the Secretary of the Senate on February 17, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.
Cosponsored by Representative PLUECKER of Warren and
Senators: BENNETT of Oxford, BLACK of Franklin, Representatives: LANDRY of
Farmington, O'NEIL of Saco, OSHER of Orono, TALBOT ROSS of Portland.

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. I, §25 is enacted to read:

Section 25. Environmental rights. The people of the State have the right to a clean and healthy environment, including pure water, clean air and healthy ecosystems, and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment. The State may not infringe upon these rights by action or inaction or through the action of others. The State, including each branch, agency and political subdivision, shall serve as trustee of the natural resources of the State, among them its waters, air, flora, fauna, ecosystems and public lands. The State shall conserve, protect and maintain these resources for the benefit of all the people, including generations yet to come. The rights stated in this section are inherent, inalienable and indefeasible and are among those rights reserved to all the people and are on par with other protected inalienable rights.

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 grant the people of the State a right to a clean and healthy environment and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment?"

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.

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.

36 SUMMARY

This resolution proposes to amend the Constitution of Maine to grant the people of the State a right to a clean and healthy environment and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment.