

**The Maine Heritage Policy Center
Testimony to Oppose LD 1565
“RESOLUTION, Proposing an Amendment to the
Constitution of Maine To Protect Voter-approved
Measures”**

Senator Luchini, Representative Schneck, and distinguished members of the Committee on Veterans and Legal Affairs, my name is Adam Crepeau and I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to speak in opposition to LD 1565.

LD 1565 would create more problems than it would solve, and it’s totally impractical when you consider the flaws that already exist within Maine’s ballot initiative process. It’s also irresponsible when you consider the incomplete and unclear language voters have seen in recent years. We do not support sending an initiative back to voters every time it is revised by lawmakers for several reasons.

First, LD 1565 is impractical. There have been ballot initiatives in the state of Maine that have passed despite being unconstitutional or needing revision. For example, the Maine Supreme Judicial Court in an advisory opinion deemed ranked-choice voting unconstitutional for state-level general elections.¹ If this bill were in effect when ranked-choice voting passed, the legislature’s revisions to conform the law the Maine Constitution and existing statute would have needed to be approved by voters. There is no guarantee that voters would have affirmed the changes, leaving Mainers with unconstitutional laws on the books and the Maine Legislature with no recourse.

Second, there are policy implications from approved initiatives that need to be weighted. Buried inside the minimum wage initiative in 2016 was a provision to remove Maine’s tip credit. In response to its elimination, thousands of restaurant workers and owners across the state established a real grassroots movement and lobbied to get the tip credit reinstated, which for them was a matter of financial security. Should citizens who are impacted by legal jargon buried deep within a dozen-page-long law have no recourse when their own livelihoods are on the line?

While this bill would protect voter-approved measures, it would do so indiscriminately. This means lawmakers could not have established the implementation committee for Maine’s

¹ https://www.courts.maine.gov/opinions_orders/supreme/lawcourt/2017/17me100.pdf

We the people of Maine...

THE MAINE HERITAGE POLICY CENTER

recreational marijuana law, also approved by voters in 2016, despite concerns many had with the regulatory structure of the law.

Having to send every iteration of a law back out to voters when lawmakers make revisions is absurd. The ballot initiatives we see on an annual basis are incomplete, unclear, or raise legality and constitutionality concerns. This bill will create more problems than it would solve. For those reasons, The Maine Heritage Policy Center strongly urges the committee to vote “Ought Not to Pass” on LD 1565. Thank you.