



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

---

Legislative Document

No. 64

---

H.P. 30

House of Representatives, January 13, 2021

---

### **RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Environmental Rights**

---

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative O'NEIL of Saco.

1 **Constitutional amendment. Resolved:** Two thirds of each branch of the  
2 Legislature concurring, that the following amendment to the Constitution of Maine be  
3 proposed:

4 **Constitution, Art. IX, §26** is enacted to read:

5 **Section 26. Environmental rights.** The following provisions govern  
6 environmental rights and public natural resources.

7 **1. Clean and healthy environment.** Every person has a right to a clean and  
8 healthy environment, including pure water, clean air and ecologically healthy habitats, and  
9 to the preservation of the natural, scenic, historic and esthetic qualities of the environment.  
10 The State may not infringe upon these rights, by action or inaction.

11 **2. Public natural resources.** The State's public natural resources, among them its  
12 waters, air, flora, fauna, climate and public lands, are the common property of all the  
13 people, including both present and future generations. The State shall serve as trustee of  
14 these resources, and shall conserve and maintain them for the benefit of all people.

15 **3. In addition to other rights.** This Section and the rights stated in this Section  
16 are in addition to any rights conferred by the public trust doctrine or common law.

17 **Constitutional referendum procedure; form of question; effective date.**

18 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
19 respective cities, towns and plantations to meet, in the manner prescribed by law for holding  
20 a statewide election, at a statewide election held in the month of November following the  
21 passage of this resolution, to vote upon the ratification of the amendment proposed in this  
22 resolution by voting upon the following question:

23 "Do you favor amending the Constitution of Maine to grant every person  
24 the right to a clean and healthy environment and require the State to protect  
25 public natural resources?"

26 The legal voters of each city, town and plantation shall vote by ballot on this question  
27 and designate their choice by a cross or check mark placed within the corresponding square  
28 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared  
29 in open ward, town and plantation meetings and returns made to the Secretary of State in  
30 the same manner as votes for members of the Legislature. The Governor shall review the  
31 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,  
32 the Governor shall proclaim that fact without delay and the amendment becomes part of  
33 the Constitution of Maine on the date of the proclamation.

34 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State  
35 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of  
36 this resolution necessary to carry out the purposes of this referendum.

37 **SUMMARY**

38 This resolution proposes to amend the Constitution of Maine to provide that every  
39 person has a right to a clean and healthy environment. This includes the right to clean air,  
40 pure water and healthy habitats. The amendment requires the State to preserve public  
41 natural resources.