

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 348

H. P. 288

House of Representatives, February 6, 1979

Referred to the Committee on State Government. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Masterton of Cape Elizabeth.

Cosponsors: Mr. Birt of East Millinocket, Mr. Barry of Fort Kent and Mr. Howe of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983.

Constitutional amendment. **RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 2nd, § 2, first sentence, as amended by CR 1977, c. 4, is further amended to read:

The Legislature which shall convene in 1984 1983 and every tenth year thereafter shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts.

Constitution, Art. IV, Pt. 3, § 1, as last amended by CR 1977, c. 4, is repealed and the following enacted in its place:

Section 1. To meet annually; power of Legislature to convene itself at other times. The Legislature shall convene on the first Wednesday of December following the general election in what shall be designated the first regular session of the Legislature. The convening in December shall be for not more than 3 days, during which the Legislature shall elect the Attorney General, the Secretary of State, the Treasurer of State and the Officers of the Senate and of the House of Representatives. The first regular session shall then adjourn until the first Wednesday after the first Tuesday in January, when it shall convene again. The Legislature shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members of the Legislature having been first polled. The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors 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 special statewide election on the Tuesday following the first Monday 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:

"Shall the Constitution of Maine be amended to limit the purposes for the meeting of the first regular session of the Legislature during December to election of constitutional officers and legislative officers and to provide for Senate apportionment in 1983?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the manner as votes for members of the Legislature. The Governor shall review the returns and, if it

appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution 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 purpose of this referendum.

STATEMENT OF FACT

The constitutional amendment permitting legislative convening in December, which was adopted by the people at the last election, did not specify the purpose for that early convening. At the time the Legislature adopted that constitutional resolution, it was generally felt that the purpose for early convening was to organize the Legislature and to take care of preliminary business, and not to begin the full-blown legislative process a month early.

This amendment specifies that the purpose of December convening is to elect the constitutional officers and the officers of the Senate and House of Representatives, and further limits the length of the meeting in December to 3 days. Adoption of this amendment will further the purposes of early convening, while not leading to the beginning of all legislative business a month early.

The amendment also reestablishes Senate apportionment during 1983 to effect consistency with House apportionment, and breaks up a very long sentence in Article 4, Part 3, section 1 into shorter, more readable sentences.