

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

March 28, 1967

Honorable Louis Jalbert  
House of Representatives  
Augusta, Maine

Re: Meaning of "Two-Thirds Vote"

Dear Louis:

You have asked me to clarify the law with respect to the meaning of a two-thirds vote required to override a Governor's veto. Attached to this letter you will find the letter of February 12, 1965, which Attorney General Dubord wrote to Speaker Dana Childs. This letter covers the question of two-thirds vote in the case of Constitutional amendments and emergency legislation. My answer to your inquiry is an extension of the opinion and logic used by Attorney General Dubord.

Accepting the premise that the word "House" means a quorum of its membership, I interpret the requirement of a two-thirds vote necessary to override the veto of a Governor to mean two-thirds of the members present and voting, assuming there is a quorum. It is my opinion that in the absence of clarifying language, the same standard is used for the overriding of a veto that is used for the passing of a Constitutional amendment.

As pointed out by Attorney General Dubord in his letter of February 12, 1965, the only place where the Constitution in terms requires "a vote of two-thirds of all the members elected to each house" is for emergency legislation. This requirement was apparently dictated by the fact that emergency legislation denies the people their right of referendum.

No such special consideration obtains in the matter of overriding a veto and the requirement only speaks in terms of the "House." As stated above, we consider this to mean those present and voting (assuming a quorum). I refer again to the cases cited by Attorney General Dubord.

With the hope that this is useful to you, I am

Very truly yours,

JAMES S. ERWIN  
Attorney General

April 27, 1967  
Executive

Linwood Ross, Special Assistant

Voting Rights of Indians Residing on Tribal Reservations.

By memorandum dated April 27, 1967, you asked the following question: Whether an Indian residing on a tribal reservation has the right to vote for a State Representative to the State Legislature?

*ANSWER:*

Yes, as qualified by this opinion. There is no doubt that the amendment to Article II,