

MAINE STATE LEGISLATURE

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AUG 4 1977*

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July 13, 1977

Honorable James B. Longley
Governor, State of Maine
State House
Augusta, Maine

Dear Governor Longley:

This responds to the question presented by Mr. Hochadel of your staff as to the current status of enacted bills on the Governor's desk and

1. Whether those bills must be signed or rejected within 10 days of presentation to the Governor, or alternatively,
2. Whether, if the Governor does not act on those bills, they shall be deemed rejected unless returned within three days after the next meeting of the Legislature (July 25, 1977).

Responding to the request requires consideration of the constitutional amendment adopted in 1976 amending Article IV, Part Third, Section 2 of the Constitution, and legislation adopted in 1976 specifying the lengths of regular legislative sessions, 3 M.R.S.A. § 2.

The constitutional amendment revised the last sentence of Article IV, Part Third, Section 2 to read as follows:

"If the bill or resolution shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless

returned within three days after the next meeting of the same Legislature which enacted the bill or resolution; if there is no such next meeting of the Legislature which enacted the bill or resolution, the bill or resolution shall not be a law."

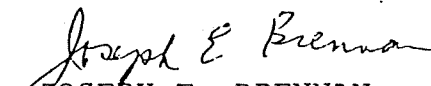
3 M.R.S.A. § 2 directs that:

"The first regular session of the Legislature shall adjourn no later than 100 legislative days after its convening. . . ."

That 100 days was reached on July 11. However, the Legislature did not adjourn on that date as 3 M.R.S.A. § 2 also provides that the dates for adjournment of the regular sessions of the Legislature may be extended an additional legislative day for the purpose of considering gubernatorial vetoes pursuant to Article IV, Part Third, Section 2. In accordance with this provision, the Legislature is scheduled to reconvene on July 25 to consider gubernatorial vetoes. Until that time the Legislature should be considered in recess. Thus, laws which are not signed within 10 days after presentation to the Governor shall take effect.

The 3-day rule would only apply to legislation on which the 10-day period has not run as of adjournment.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/ec

cc: Hon. Joseph Sewall
Hon. John L. Martin
Hon. Jerrold Speer
Hon. David G. Huber
Hon. Gerard P. Conley
Hon. Peter W. Danton
Hon. James E. Tierney
Hon. Rodney S. Quinn
Hon. Linwood E. Palmer, Jr.
Hon. William J. Garsoe