

# MAINE STATE LEGISLATURE

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Legislature's Second Session Legislation  
Me. Const Art 4 Part 3rd Sec. 1

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AUGUSTA, MAINE 04333

November 16, 1977

Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

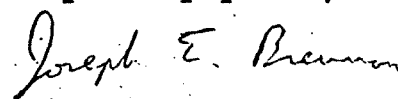
This responds to your request for advice, received by our office on November 16, in which the Legislative Council requests our opinion as to whether the provisions of Article IV, Part Third, Section 1 of the Maine Constitution, limiting the business of the second regular session of the Legislature to, among other things, "legislation of an emergency nature admitted by the Legislature" means only an emergency bill, as that term is addressed in Article IV, Part Third, Section 16 of the Maine Constitution.

We would advise that interpretations of the terms in the Constitution relating to the business of the Legislature are primarily matters within the sole discretion of the Legislature to determine. However, with that qualification that such matters are ultimately for determination of the Legislature, we would advise that the provision relating to "legislation of an emergency nature" may be interpreted as legislation which the Legislature, in its sole discretion, believes is essential to adopt, in the best interests of the State, prior to the convening of the next regular session of the Legislature. This legislation may be of an emergency nature if immediate effectiveness is desired. However, it would also appear reasonable for the Legislature to deem adoption of particular legislation essential, but at the same time to recognize that such legislation need not take immediate effect. This might occur, for example, in connection with some legislation which was related to appropriations which might not be

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effective until on or about 90 days after the prospective adjournment of the second regular session. Accordingly, legislation need not be drafted in emergency form and for immediate effectiveness to be permitted under the "emergency nature" provision of the Constitution.

Very truly yours,



JOSEPH E. BRENNAN  
Attorney General

JEB/ec