

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

RICHARD S. COHEN  
ATTORNEY GENERAL



80-69  
STEPHEN L. DIAMOND  
JOHN S. GLEASON  
JOHN M. R. PATERSON  
ROBERT J. STOLT  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333

March 25, 1980

Honorable William J. Garsoe  
Republican Floor Leader  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Garsoe:

This will respond to your opinion request of March 25, 1980 in which you ask the following question:

"If the 109th Legislature should initially vote to extend the date of adjournment of the Second Regular Session for less than 5 legislative days, does the statute limit the Legislature to a single additional vote for up to 5 days or, in the alternative, is the Legislature permitted to vote numerous times, as long as the total extension period does not exceed 10 days?"

Your question necessitates an interpretation of paragraph 2 of 3 M.R.S.A. §2 (1979-1980 Supp.) which provides in relevant part:

"The first regular session of the Legislature shall adjourn no later than 100 legislative days after its convening and the 2nd regular session of the Legislature shall adjourn no later than 50 legislative days after its convening. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days."

(emphasis supplied).

In construing a statutory enactment, such as 3 M.R.S.A. §2, our task is to ascertain and give effect to the Legislature's intent. See, e.g., Paradis v. Webber Hospital, \_\_\_ A.2d \_\_\_, slip op. at 4 (Opinion filed December 31, 1979); New England Tel. & Tel. Co. v. Public Utilities Commission, Me., 379 A.2d 448, 453 (1977). In deciphering the legislative intent underlying the enactment of a particular statute, it is often helpful to examine the history of the law in question. See, e.g., State v. Bellino, Me., 390 A2d 1014, 1021 (1978); Finks v. Maine State Highway Commission, Me., 328 A.2d 791, 797 (1974). Accordingly, we now turn to an examination of the history of the second paragraph of 3 M.R.S.A. §2, pertaining to the authority of the Legislature to extend the length of its regular sessions.

The present version of section 2 of Title 3 of the Maine Revised Statutes originated as L.D. 2087 (S.P.663), and was presented by Senator Curtis of Penobscot at the First Special Session of the 107th Legislature.<sup>1</sup> As originally drafted, L.D. 2087 provided that the first regular session of the Legislature "shall adjourn not later than the last day of May," while the second regular session of the Legislature "shall adjourn not later than the 15th day of March." L.D. 2087 did not provide for any extensions of the adjournment dates for either the first or second regular sessions.

The Bill was referred to the Committee on State Government, which issued two reports; a majority "ought to pass" report with Committee Amendment "A" (S-435) and a minority "ought to pass" report with Committee Amendment "B" (S-436). See 3 Leg.Rec. at 485 (Senate, March 16, 1976). With respect to the length of regular legislative sessions both reports provided that the first regular session would adjourn not later than the last Friday in May and the second regular session would adjourn not later than the first Friday in April. Moreover, both reports provided "that adjournment may be at a later date if 2/3 of each House of the Legislature shall vote in favor of a joint order which declares that an emergency exists and which approves adjournment not later than some subsequent specified date."<sup>2</sup>

---

1. L.D. 2087 was entitled "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators."

2. The majority and minority "ought to pass" reports differed on the question of legislative salaries, expenses and travel.

The Senate accepted the majority "ought to pass" report with Committee Amendment "A" (S-435). 3 Leg.Rec. at 499 (Senate, March 17, 1976). At that time, Senator (now Justice) Clifford of Androscoggin offered Senate Amendment "A" (S-440) to Committee Amendment "A". 3 Leg. Rec. at 502 (Senate, March 17, 1976). Senator Clifford's amendment, which was adopted by the Senate, proposed that the first regular session would consist of 100 legislative days and the second regular session would consist of 50 legislative days. With respect to extensions of the regular sessions, Senate Amendment "A" (S.440) provided:

"The Legislature, in case of emergency, may by a vote of 3/5 of the Members elected to each House extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the Members elected to each House further extend the date for adjournment by 3 additional legislative days."

While the Senate adopted the majority "ought to pass" report with Committee Amendment "A" as amended by Senate Amendment "A", the House adopted the minority "ought to pass" report with Committee Amendment "B" (S-436) as amended by House Amendment "C" (H-1036),<sup>3</sup> in non-concurrence. 3 Leg.Rec. at 565 (House, March 22, 1976).

Following the House action, the Senate insisted on its prior action and moved for a Committee of Conference. 3 Leg.Rec. at 699 (Senate, March 25, 1976). Subsequently, the House also insisted on its prior action and joined in the Committee of Conference. 3 Leg.Rec. at 718 (House, March 26, 1976). A Committee of Conference was then created consisting of Representatives Carney, Greenlaw and Finemore from the House and Senators Curtis, Katz and Graham from the Senate.

The Conference Committee recommended that both Houses recede from its prior actions and adopt Conference Committee Amendment "A" (S-539). Conference Committee Amendment "A" became what is now 3 M.R.S.A. §2 (1979-1980 Supp.) (quoted supra). With respect to the length of the regular sessions and extensions thereof the "Statement of Fact" accompanying Conference Committee Amendment "A" is revealing. It provided:

"The purpose of this amendment is to limit the Legislature to 100 days for the first regular session and 50 days for the 2nd. These limits can be extended 5 days by [sic] a vote of 2/3 of those members present and voting, such extension can only be made twice, totaling a maximum of 10 additional days per session."  
(emphasis supplied)

---

3. The provisions of House Amendment "C" (H-1036) are not relevant for purposes of this opinion.

Thus, the "Statement of Fact" appearing on the Conference Committee Amendment indicates that the Legislature intended no more than two extensions of a regular session. Each extension could be no longer than 5 legislative days and the maximum amount of time a regular session could be extended would not exceed 10 legislative days. Further evidence that this was the Legislature's intent when it enacted 3 M.R.S.A. §2 is found in Senator Curtis' statement on the Senate floor when he moved for the adoption of Conference Committee Amendment "A".

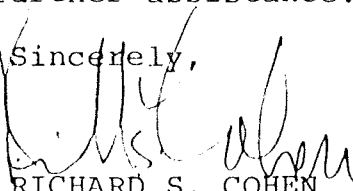
"We also have provided that the length of the first regular session should be 100 legislative days and that the length of the second regular session shall be 50 legislative days. We provided that in the event of an unusual circumstance and an emergency that these sessions could be continued by a two-thirds vote of each house for five days maximum, and that emergency could be determined no more than twice: in other words, an absolute maximum of 110 days for the first regular session and 60 days for the second regular session." (emphasis supplied)

In view of the foregoing, and in response to your specific question, it is our opinion that if the 109th Legislature initially voted to extend the date of adjournment of the Second Regular Session for less than five legislative days, 3 M.R.S.A. §2 (1979-1980 Supp.) limits the Legislature to a single additional vote for a further extension not to exceed five legislative days.

We wish to point out that our opinion is limited to an interpretation of existing law, 3 M.R.S.A. §2. Of course, the Legislature, if it so chose, could amend 3 M.R.S.A. §2 as emergency legislation and thereby increase its authority to extend regular legislative sessions because Art. IV, pt. 3, §1 of the Maine Constitution merely provides that the "Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session." Moreover, nothing we have said should be construed as limiting the constitutional authority of the Legislature to convene in special session. See Art. IV, pt. 3, §1, Me. Const.

I hope this information is helpful to you. Please feel free to call upon me if I can be of further assistance.

Sincerely,

  
RICHARD S. COHEN  
Attorney General

RSC:jg

cc: Joseph Sewall, President of the Senate  
Bennett D. Katz, Senate Majority Leader  
Gerard P. Conley, Senate Minority Leader  
John L. Martin, Speaker of the House  
James E. Tierney, House Majority Leader