

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

April 2, 1980

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

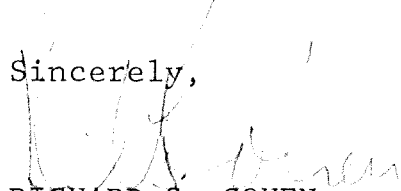
Dear Speaker Martin:

You have asked whether the Legislature can mandate that the Governor convene a special session. It is our opinion that the Legislature does not have this power.

The authority of the Governor to call a special session is set out in Article V, part 1, section 13 of the Maine Constitution. In essence, that section provides that the Governor "may, on extraordinary occasions, convene the Legislature." In Opinion of the Justices, 136 Me. 531 (1940), the Justices of the Supreme Judicial Court interpreted section 13 to mean that the "Governor alone is the judge of the necessity for such action, which is not subject to review." 136 Me. at 534. Given that opinion, it seems clear that the Governor may not be required to exercise this power by an act of the Legislature.

Please feel free to call on us if we can be of any further service.

Sincerely,

  
RICHARD S. COHEN  
Attorney General

RSC:ks

cc: The Hon. Joseph Sewall  
cc: The Hon. Bennett Katz  
cc: The Hon. Gerard P. Conley  
cc: The Hon. Richard Pierce  
cc: The Hon. Charles Pray

The Hon. James E. Tierney  
The Hon. William J. Garsoe  
The Hon. Elizabeth Mitchell  
The Hon. Swift Tarbell