

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 272

H. P. 206

House of Representatives, January 20, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Birt of E. Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution Providing
for Early Convening of the Legislature.**

Constitutional amendment. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Article IV, Part First, Section 5, amended. The last 2 sentences of Section 5 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

The Governor and Council shall examine the returned copies of such lists and at least seven days before the second Wednesday of December biennially shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned to attend and take their seats. All such lists shall be laid before the House of Representatives on the second Wednesday of December biennially, and they shall finally determine who are elected.

Constitution, Article IV, Part Second, Section 3, amended. The last sentence of Section 3 of Part Second of Article IV of the Constitution, as repealed and replaced by Article CIII, is amended to read as follows:

Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the Secretary of State's office ~~within fifteen days after the date on which the election is held~~ State forthwith.

Constitution, Article IV, Part Second, Section 4, repealed and replaced. Section 4 of Part Second of Article IV of the Constitution, as repealed and

replaced by Article CIII is repealed and the following enacted in place thereof:

Section 4. Examination of lists; summons of persons who appear to be elected. The Governor and Council shall examine the returned copies of such lists and at least seven days before the second Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the Senate on the second Wednesday of December biennially, and they shall finally determine who are elected.

Constitution, Article IV, Part Second, Section 4-A, amended. The first sentence of Section 4-A of Part Second of Article IV of the Constitution, as repealed and replaced by Article CIII, is repealed as follows:

~~The Senate shall, on said first Wednesday of January, biennially determine who is elected by a plurality of votes to be Senator in each district.~~

Constitution, Article IV, Part Third, Section 1, repealed and replaced. Section 1 of Part Third of Article IV of the Constitution, as amended, is repealed and the following enacted in place thereof:

Section 1. To meet biennially. The Legislature shall convene in regular session on the second Wednesday of December biennially, for three days, and then shall adjourn to the first Wednesday of January following. With the exceptions hereinafter stated, it shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Constitution, Article V, Part First, Section 3, amended. The 3rd sentence of Section 3 of Part First of Article V of the Constitution is amended to read as follows:

The Secretary of State for the time being shall, on the ~~first Wednesday of January~~ second Wednesday of December then next, lay the lists returned to the Secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature Providing for Early Convening of the Legislature?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the word “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve, accompanied by a copy thereof.

STATEMENT OF FACT

This bill provides that the Legislature convene on the second Wednesday of December rather than the first Wednesday of January.