

# MAINE STATE LEGISLATURE

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(Filing No. H-584)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

COMMITTEE AMENDMENT "B" to H.P. 16, L.D. 24, RESOLUTION,  
Proposing an Amendment to the Constitution to Abolish the  
Executive Council and Reassign its Constitutional Powers to  
the Governor.

Amend said Resolution by inserting in the title at the  
end, before the period, the following words:

'and a Legislative Confirmation Committee'.

Amend said Resolution by inserting after the 3rd paragraph  
the following:

'Constitution, Art. IV, Pt. 3, §10, is amended to read:

Section 10. Members not to be appointed to certain offices.

No Senator or Representative shall, during the term for which he  
shall have been elected, be appointed to any civil office of  
profit under this state, which requires the approval of the  
Legislative Confirmation Committee for appointment or which shall  
have been created, or the emoluments of which increased during  
such term, except such offices as may be filled by elections  
by the people.

Constitution, Art. IV, Pt. 4 is enacted to read:

ARTICLE IV.

PART FOURTH.

LEGISLATIVE CONFIRMATION COMMITTEE.

Section 1. Legislative Confirmation Committee; created.  
There shall be a Legislative Confirmation Committee to consist

of ten members, five members of the House of Representatives who shall be elected by the House of Representatives, and five members of the Senate who shall be elected by the Senate. No more than three members from the House of Representatives and three members from the Senate shall be from the same political party. Members shall be elected on the day when the Legislature first convenes and shall serve until the day before the next Legislature shall convene. The Legislative Confirmation Committee shall select a chairman from within its membership.

Section 2. Powers and duties. The Legislative Confirmation Committee shall exercise such powers and duties as may be delegated by the provisions of this Constitution and as may be directed by law. Any action by the Legislative Confirmation Committee shall require the affirmative votes of six members.

Section 3. Meetings. The Legislative Confirmation Committee shall meet at least once monthly and at such other times as may be necessary to carry out its duties.'

Further amend said Resolution by striking that portion titled "Constitution, Art. V, Pt. 1, §8", and inserting in place thereof the following:

'Constitution, Art. V, Pt. 1, §8, is repealed and the following enacted in place thereof:

Section 8. To nominate officers. He shall nominate and with the approval of the Legislative Confirmation Committee appoint all judicial officers except judges of probate and justices of the peace. He shall nominate and appoint justices

of the peace and notaries public for an initial term only, and additional terms of these officers shall be by renewal of commission, as provided by law. He shall also nominate, and with the approval of the Legislative Confirmation Committee when such approval is required by law, appoint all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for. Every such nomination shall be made seven days, at least, prior to such appointment.'

Further amend said Resolution by striking all of that portion titled "Constitution, Art. V, Pt. 1, §11, first sentence" and inserting in place thereof the following:

'Constitution, Art. V, Pt. 1, §11, first sentence,  
is amended to read:

He shall have power ~~with the advice and consent of the Council~~ to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons.'

Further amend said Resolution by striking all of that portion titled "Constitution, Art. IX, §4" and inserting in place thereof the following:

'Constitution, Art. IX, §4, is amended to read:  
Section 4. Elections on the first Wednesday of January may be adjourned from day to day. And in case the elections,

required by this Constitution on the first Wednesday of January biennially, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, ~~in the following order: The vacancies in the Senate shall first be filled, the Governor shall then be elected, if there be no choice by the people and afterwards the two Houses shall elect a Council.~~'

Further amend said Resolution by striking out all of the last 4 paragraphs and inserting in place thereof the following:

'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 a special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution 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 to abolish the Executive Council and reassign its Constitutional powers to the Governor and a Legislative Confirmation Committee, and to prohibit appointment of a Legislator to an office requiring the approval of the Legislative Confirmation Committee?"

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 words "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 on January 4, 1977, 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 resolution, accompanied by a copy thereof.'

Statement of Fact

The purpose of this amendment is to provide that certain Constitutional and other officers shall be appointed after approval by a Legislative Confirmation Committee, to provide that ~~members~~ members of the Legislature shall not be appointed to offices requiring the approval of the Legislative Confirmation Committee during their terms, to provide that this Resolution shall be voted upon in a special election to be held in November, 1975, and to provide that the effective date shall be January 4, 1977.

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Reported by Report "B" of the Committee on State Government.  
Reproduced and distributed under the direction of the Clerk of the House.  
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