

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 724, L. D. 904

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1827

H. P. 1510

House of Representatives, April 17, 1975

Reported by a Majority from Committee on State Government and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Session of the Legislature and to Change the Date of Convening of the Legislature.

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

Constitution, Art. IV, Pt. 1, § 2, first sentence, is amended to read:

The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the ~~biennial meeting of the Legislature~~ **first Wednesday after the first Tuesday in January following the general election.**

Constitution, Art. IV, Pt. 1, § 5, 4th and 5th sentences, are amended to read:

The Governor and Council shall examine the returned copies of such lists and twenty days before the first Wednesday ~~after the first Tuesday~~ **after the first Tuesday** of January 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 first Wednesday ~~after the first Tuesday~~ **after the first Tuesday** of January biennially, and they shall finally determine who are elected.

Constitution, Art. IV, Pt. 2, § 4 is amended to read:

Section 4. Examination of lists; summons to persons who appear to be elected. The Governor and Council shall, as soon as may be, examine the

copies of such lists, and at least twenty days before the said first Wednesday after the first Tuesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats.

Constitution, Art. IV, Pt. 2, § 5, first sentence, is amended to read:

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

Constitution, Art. IV, Pt. 3, § 1, is amended to read:

Section 1. To meet annually; power of the Legislature to convene itself at other times. The Legislature shall convene on the first Wednesday after the first Tuesday of January ~~biennially and following the general election in what shall be designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday in the subsequent year in what shall be designated the second regular session of the Legislature.~~ The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. ~~and~~ The Legislature, with the exceptions hereinafter stated, 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, Art. IV, Pt. 3, § 16, first sentence, is amended to read:

No Act or joint resolution of the Legislature, except such orders or resolutions as pertains solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the session of the Legislature ~~passing it in which it was passed~~, unless in case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct.

Constitution, Art. V, Pt. 1, § 2, first sentence, is amended to read:

The Governor shall be elected by the qualified electors, and shall hold his office for four years from the first Wednesday after the first Tuesday of January next following the election and until his successor has been duly elected and qualified.

Constitution, Art. V, Pt. 1, § 3, 3rd sentence, is amended to read:

The Secretary of State for the time being shall, on the first Wednesday after the first Tuesday of January 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 the votes returned they shall declare and publish the same.

Constitution, Art. V, Pt. 1, § 13, is amended to read :

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. He may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next ~~biennial meeting~~ **regular session**; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Constitution, Art. V, Pt. 1, § 14, 2nd sentence, is amended to read :

When the vacancy occurs more than ninety days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday ~~after the first Tuesday~~ of January following the biennial election.

Constitution, Art. V, Pt. 2, § 2, is amended to read :

Section 2. Election; interim appointment and oath on vacancy; privilege from arrest. The Councillors shall be chosen biennially, on the first Wednesday ~~after the first Tuesday~~ of January, by joint ballot of the Senators and Representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the following manner: The Governor with the advice and consent of the Council shall appoint within thirty days from said vacancy a Councillor from the same district in which the vacancy occurred, and the oath of office shall be administered by the Governor; said Councillor shall hold office until the next ~~convening of the Legislature~~ **Council is chosen**; but not more than one Councillor shall be elected or appointed from any district prescribed for the election of Senators; they shall be privileged from arrest in the same manner as Senators and Representatives.

Constitution, Art. IX, § 4, is amended to read :

Section 4. Elections on the first Wednesday after the first Tuesday of January may be adjourned from day to day. And in case the elections, required by this Constitution on the first Wednesday ~~after the first Tuesday~~ 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.

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 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 provide for annual sessions of the Legislature and to change the date of 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 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 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 resolution, accompanied by a copy thereof.

STATEMENT OF FACT

This resolution provides for annual sessions of the Legislature and provides that the Legislature will convene on the first Wednesday after the first Tuesday of each January, avoiding the occasional requirement that the Legislature meet on New Year's Day.