

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 558

H. P. 507

House of Representatives, February 2, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Leighton of Harrison.

Cosponsor: Representative Berube of Lewiston, Representative D. Brown of Livermore Falls and Representative Dudley of Enfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

RESOLUTION, Proposing an Amendment to the Constitution of Maine Abolishing the Second Regular Session of the Legislature.

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

Constitution, Art. IV, Pt. 3, § 1, as last amended by CR 1977, c. 4, is repealed and the following enacted in its place:

Section 1. To meet biennially; power of Legislature to convene itself at other times. The Legislature shall convene on the first Wednesday of December biennially and 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. 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, as amended by CR 1975, c. 5, is further amended to read:

No Act or joint resolution of the Legislature, except such orders or resolutions as pertain 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 in which it was passed~~ **passing it**, 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, § 13, as amended by CR 1975, c. 5, is further 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 ~~regular session~~ **biennial meeting**; 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.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended as proposed by a resolution of the Legislature to abolish the Second Regular Session of the Legislature?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballot shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

This constitutional resolution proposes to abolish the Second Regular Session of the Legislature and to revert back to biennial meetings. Special sessions could be called in the even-numbered years to transact legislative business deemed necessary. The requirement of a second regular session serves only to create unnecessary work and creates the environment that could lead to a full-time Legislature, something that is not needed in Maine. The escalating demands on Legislators resulting from a second regular session have served to dissuade many qualified individuals from running for legislative office.