

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND TWELFTH LEGISLATURE  
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5 Legislative Document

No. 1248

6  
7 S.P. 445

In Senate, April 4, 1985

8 Referred to the Committee on Judiciary. Sent down for concurrence and  
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by President Pray of Penobscot.

11 Cosponsored by Speaker Martin of Eagle Lake, Senator Carpenter of  
Aroostook and Representative Kane of So. Portland.

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12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
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17 Resolve, Creating a Commission to Study  
18 Procedures for Exercising the  
19 Legislative Powers of Impeachment and  
20 Address.  
21

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22 Purpose and findings. Resolved: That the Legisla-  
23 ture finds the Constitution of Maine is totally si-  
24 lent on the mechanism and procedure to be followed in  
25 exercising its constitutional powers of impeachment  
26 and address. The Legislature, therefore, finds that  
27 a study of this area is necessary in order to proper-  
28 ly invoke these powers should they ever have to be  
29 exercised and that the mechanism be adopted and in  
30 place so that a decision to invoke these fundamental  
31 powers of the people will not be clouded by ambiguity  
32 and doubt at such a critical time; and be it further

33 Commission established. Resolved: That there is  
34 created a Commission on Legislative Powers of Im-  
35 peachment and Address to consist of 10 members: Two  
36 members of the Senate to be appointed by the Presi-

1     dent of the Senate; 2 members of the House of Repre-  
2     sentatives to be appointed by the Speaker of the  
3     House of Representatives; one member of the Committee  
4     on Judicial Responsibility and Disability to be des-  
5     ignated by that committee; the Chief Justice of the  
6     Supreme Judicial Court or his designee; 2 members of  
7     the public to be appointed by the President of the  
8     Senate; and 2 public members to be appointed by the  
9     Speaker of the House of Representatives. The commis-  
10    sion shall select its chairman from among its mem-  
11    bers; and be it further

12         **Subject of study. Resolved:** That the commission  
13    shall study the legislative powers of impeachment and  
14    address, including, but not limited to, the follow-  
15    ing:

16         1. The provisions contained in the Constitution  
17    of Maine providing for removal of civil and judicial  
18    officers of the State from office by the address of  
19    the Legislature;

20         2. The decisions of the Supreme Judicial Court  
21    as they pertain to those constitutional provisions;  
22    and

23         3. Laws and rules of procedure used by the  
24    United States Congress and other states in implement-  
25    ing their constitutional powers of impeachment and  
26    removal by address; and be it further

27         **Report on findings and recommendations. Resolved:**  
28    That the commission shall complete its study and re-  
29    port its findings and recommendations and any neces-  
30    sary implementing legislation on or before January 1,  
31    1986, to the Second Regular Session of the 112th Leg-  
32    islature. This report shall address each of the mat-  
33    ters set forth in this resolve and shall include pro-  
34    posed legislation in proper draft form to be enacted  
35    by the Legislature to effectuate the course of action  
36    the commission recommends; and be it further

37         **Professional assistance. Resolved:** That the com-  
38    mission may employ such professional staff and con-  
39    sultants as it deems necessary to carry out the pur-  
40    poses of this resolve; and be it further

1           **Compensation. Resolved:** That all members of the  
2 commission who are not state employees or Legislators  
3 shall be compensated at the rate of \$60 per day for  
4 each day or substantial part of a day they engage in  
5 commission business, in addition to their reasonable  
6 travel expenses to and from commission proceedings.  
7 The legislative members of the commission shall re-  
8 ceive the legislative per diem rate and expenses for  
9 meetings of the commission held when the Legislature  
10 is not in session. The remaining members of the com-  
11 mission shall not be compensated with a per diem rate  
12 or for expenses; and be it further

13           **Appropriation. Resolved:** That the following  
14 funds are appropriated from the General Fund to carry  
15 out the purposes of this resolve.

16 1985-86

17 COMMISSION ON LEGISLATIVE POWERS  
18 OF IMPEACHMENT AND ADDRESS

19           All Other \$3,000

20                               STATEMENT OF FACT

21           The purpose of this resolve is to establish a  
22 commission to study the procedures for exercising the  
23 legislative powers of impeachment and address. The  
24 commission is to report to the Second Regular Session  
25 of 112th Legislature with its recommendations.

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