

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT "A" to H.P. 1660, L.D. 2337, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives"

Amend the bill by inserting after the first indented paragraph the following:

Constitution, Art. II, §1, as amended by CR 1987, c. 4, is further amended by amending the first paragraph to read:

Section 1. Qualifications of electors; written ballot; military servicemen; students. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, ~~Senators~~ and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State, unless barred by the provisions of the 2nd paragraph of this section; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle the student to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost residence by reason of the person's absence from the state in the military service of the United States, or of this State.

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

Section 4. Time of state election; absentee voting. The election of ~~Senators~~ and Representatives shall be on the Tuesday

following the first Monday of November biennially forever and the election of Governor shall be on the Tuesday following the first Monday of November every 4 years. The Legislature under proper enactment shall authorize and provide for voting by citizens of the State absent therefrom in the Armed Forces of the United States or of this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.

Constitution, Art. IV, Part First, §1 is amended to read:

Section 1. Legislative department; style of acts. The legislative power shall be vested in ~~2 distinct branches, a the~~ House of Representatives, ~~and a Senate, each to have a negative on the other, and both to be~~ also styled the Legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any Act, bill, resolve or resolution passed by ~~the joint action of both branches of~~ the Legislature, and the style of their laws and Acts shall be, "Be it enacted by the people of the State of Maine." '

Further amend the bill in section 2 in the 3rd line (page 1, line 10 in L.D.) by inserting after the following: "Representatives" the following: 'also referred to as the House' and in 4th line by striking out the following: "151" and inserting in its place the following: '151 149'

Further amend the bill by inserting after section 2 the following:

'**Constitution, Art. IV, Part Second**, as amended by CR 1985, c. 3, is repealed.

Constitution, Art. IV, Part Third, §1 is amended to read:

Section 1. To meet annually; power of Legislature to convene itself at other times; extent of legislative power. The Legislature shall convene on the first Wednesday of December 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 of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of

the electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the ~~President of the Senate and Speaker of the House of Representatives~~, 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, Part Third, §§1-A and 2, as amended by CR 1987, c. 4, are further amended to read:

Section 1-A. Legislature to establish Apportionment Commission; number of quorum; compensation of commission members; commission's budget; division among political parties. A Legislature which is required to apportion the districts of the House of Representatives ~~or the Senate, or both~~, under Article IV, Part First, Section 2, ~~or Article IV, Part Second, Section 2~~, shall establish, within the first 3 calendar days after the convening of that Legislature, a commission to develop in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives, ~~the Senate, or both~~.

The commission shall be composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party in the House; ~~2 members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate;~~ the chairperson of each of the 2 major political parties in the State or their designated representatives; and 3 members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the ~~third~~ 3rd to be selected by the other 2 public members. The Speaker of the House of Representatives shall be responsible for organizing the commission and shall be chairperson pro tempore thereof until a permanent chairperson is selected by the commission members from among their own number. No action may be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

2 Public members of the commission shall receive the same rate
of per diem that is paid to Legislators for every day's
4 attendance at special sessions of the Legislature as defined by
law. All members of the commission shall be reimbursed for
6 actual travel expenses incurred in carrying out the business of
the commission. The Legislature which is required to apportion
8 shall establish a budget for the apportioning commission within
the state budget document in the fiscal year previous to the
10 fiscal year during which the apportioning commission is required
to convene and shall appropriate sufficient funds for the
12 commission to satisfactorily perform its duties and
responsibilities. The budget shall include sufficient funds to
14 compensate the chairperson of the commission and the
chairperson's staff. The remainder of the appropriation shall be
16 made available equally among the political parties represented on
the commission to provide travel expenses, incidental expenses
18 and compensation for commission members and for partisan staff
and operations.

20
22 **Section 2. Bills to be signed by the Governor; proceedings,**
in case the Governor disapproves; allowing the Governor 10 days
to act on legislation. Every bill or resolution, having the
24 force of law, to which the concurrence of ~~both Houses~~ the House
of Representatives may be necessary, except on a question of
26 adjournment, which shall have passed ~~both Houses~~ the House of
Representatives, shall be presented to the Governor, and if the
28 Governor approves, the Governor shall sign it; if not, the
Governor shall return it with objections to the House of
30 Representatives, ~~in which it shall have originated~~, which shall
enter the objections at large on its ~~journal~~ journal, and
32 proceed to reconsider it. If after such reconsideration, 2/3 of
that the House shall agree to pass it, ~~it shall be sent together~~
34 ~~with the objections, to the other House, by which it shall be~~
~~reconsidered, and, if approved by 2/3 of that House,~~ it shall
36 have the same effect, as if it had been signed by the Governor;
but in all such cases, the votes of ~~both Houses~~ the House shall
38 be taken by yeas and nays, and the names of the persons, voting
for and against the bill or resolution, shall be entered on the
40 ~~journal~~ journal of ~~both Houses~~ respectively the House. If the
bill or resolution shall not be returned by the Governor within
42 10 days (Sundays excepted) after it shall have been presented to
the Governor, it shall have the same force and effect as if the
44 Governor had signed it unless the Legislature by their
adjournment prevent its return, in which case it shall have such
46 force and effect, unless returned within 3 days after the next
meeting of the same Legislature which enacted the bill or
48 resolution; if there is no such next meeting of the Legislature
which enacted the bill or resolution, the bill or resolution
50 shall not be a law.

2 **Constitution, Art. IV, Part Third, §§3 to 8** are amended to read:

4 **Section 3. The House to judge of its elections; majority, a**
6 **quorum.** Each ~~The~~ House shall be the judge of the elections and
8 qualifications of its own members, and a majority shall
10 constitute a quorum to do business; but a smaller number may
 adjourn from day to day, and may compel the attendance of absent
 members, in such manner and under such penalties as each the
 House shall provide.

12 **Section 4. May punish and expel members.** Each The House
14 may determine the rules of its proceedings, punish its members
16 for disorderly behavior, and, with the concurrence of 2/3, expel
 a member, but not a 2nd time for the same cause.

18 **Section 5. Shall keep a journal; yeas and nays.** Each The
20 House shall keep a journal, and from time to time publish its
22 proceedings, except such parts as in their its judgment may
 require secrecy; and the yeas and nays of the members of either
 the House on any question, shall, at the desire of 1/5 of those
 present, be entered on the journals journal.

24 **Section 6. May punish for contempt.** Each The House, during
26 its session, may punish by imprisonment any person, not a member,
28 for disrespectful or disorderly behavior in its presence, for
30 obstructing any of its proceedings, threatening, assaulting or
 abusing any of its members for anything said, done, or doing in
 either the House; provided, that no imprisonment shall extend
 beyond the period of the same session.

32 **Section 7. Compensation; traveling expenses.** The ~~Senators~~
34 and Representatives shall receive such compensation, as shall be
36 established by law; but no law increasing their compensation
38 shall take effect during the existence of the Legislature, which
40 enacted it. The expenses of the members of the House of
42 Representatives in traveling to the Legislature, and returning
 therefrom, once in each week of each session and no more, shall
 be paid by the State out of the public treasury to every member,
 who shall seasonably attend, in the judgment of the House, and
 does not depart therefrom without leave.

44 **Section 8. Members exempt from arrest; freedom of debate.**
46 The ~~Senators--and~~ Representatives shall, in all cases except
48 treason, felony or breach of the peace, be privileged from arrest
 during their attendance at, going to, and returning from each
 session of the Legislature, and no member shall be liable to
 answer for anything spoken in debate in either the House, in any
 court or place elsewhere.

2 **Constitution, Art. IV, Part Third, §9 is repealed.**

4 **Constitution, Art. IV, Part Third, §§10 and 11, as amended by CR**
6 **1987, c. 4, are further amended to read:**

8 **Section 10. Members not to be appointed to certain**
10 **offices.** No ~~Senator-or~~ Representative shall, during the term for
12 which the ~~Senator-or~~ Representative shall have been elected, be
14 appointed to any civil office of profit under this State, which
 requires the approval of the Legislature 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.

16 **Section 11. Persons disqualified to be members.** No member
18 of Congress, nor person holding any office under the United
20 States (post officers excepted) nor office of profit under this
22 State, (justices of the peace, notaries public, coroners and
 officers of the militia excepted, shall have a seat in either the
 House while a member of Congress, or continuing in such office.

24 **Constitution, Art. IV, Part Third, §12 is repealed.**

26 **Constitution, Art. IV, Part Third, §§15 and 16 are amended to read:**

28 **Section 15. Constitutional conventions.** The Legislature
30 shall, by a 2/3 ~~concurrent~~ vote of ~~both-branches~~, have the power
 to call constitutional conventions, for the purpose of amending
 this Constitution.

32 **Section 16. Acts become effective in 90 days after recess;**
34 **exception; emergency bill defined.** No Act or ~~joint~~ resolution of
36 the Legislature, except such orders or resolutions as pertain
38 solely to facilitating the performance of the business of the
40 Legislature, ~~of-either-branch~~, or of any committee or officer
42 thereof, or appropriate money therefor or for the payment of
44 salaries fixed by law, shall take effect until 90 days after the
46 recess of the session of the Legislature in which it was passed,
48 unless in case of emergency, which with the facts constituting
50 the emergency shall be expressed in the preamble of the Act, the
 Legislature shall, by a vote of 2/3 of all the members elected to
 each the House, otherwise direct. An emergency bill shall
 include only such measures as are immediately necessary for the
 preservation of the public peace, health or safety; and shall not
 include (1) an infringement of the right of home rule for
 municipalities, (2) a franchise or a license to a corporation or
 an individual to extend longer than one year, or (3) provision
 for the sale or purchase or renting for more than 5 years of real
 estate.

2 **Constitution, Art. V, Part First, §3** is amended to read:

4 **Section 3. Election; votes to be returned to Secretary of**
6 **State; Secretary of State to lay lists before the House of**
8 **Representatives; provision in case of tie.** The meetings for
10 election of Governor shall be notified, held and regulated and
12 votes shall be received, sorted, counted and declared and
14 recorded, in the same manner as those for ~~Senators~~ and
16 Representatives. Copies of lists of votes shall be sealed and
18 returned to the secretary's office in the same manner and at the
20 same time as those for ~~Senators~~ Representatives. The Secretary
22 of State for the time being shall, on the first Wednesday after
24 the first Tuesday of January then next, lay the lists returned to
26 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. If there shall be a tie between
the 2 persons having the largest number of votes for Governor,
the House of Representatives and ~~the Senate meeting in joint~~
~~session, and each member of said bodies having a single vote,~~
shall elect one of said 2 persons having so received an equal
number of votes and the person so elected by the ~~Senate~~ and House
of Representatives shall be declared the Governor.

28 **Constitution, Art. V, Part First, §8**, as amended by CR 1987, c. 4,
is further amended to read:

30 **Section 8. To appoint officers.** The Governor shall
32 nominate, and, subject to confirmation as provided herein,
34 appoint all judicial officers, except judges of probate and
36 justices of the peace if their manner of selection is otherwise
38 provided for by this Constitution or by law, and all other civil
and military officers whose appointment is not by this
Constitution, or shall not by law be otherwise provided for.

40 **Procedure for confirmation.** The procedure for confirmation
42 shall be as follows: an appropriate legislative committee
44 ~~comprised of members of both houses in reasonable proportion to~~
46 ~~their membership as provided by law~~ shall recommend confirmation
48 or denial by majority vote of committee members present and
50 voting. The committee recommendation shall be reviewed by the
Senate House and upon review shall become final action of
confirmation or denial unless the Senate House by vote of 2/3 of
those members present and voting overrides the committee
recommendation. The Senate House vote shall be by the yeas and
nays.

2 Affirmative vote of 2/3 of members required. All statutes
enacted to carry out the purposes of the ~~second~~ 2nd paragraph of
4 this section shall require the affirmative vote of 2/3 of the
members of each the House present and voting.

6 Governor or Speaker of the House of Representatives may call
House into session. Either the Governor or the ~~President of the~~
8 Senate Speaker of the House of Representatives shall have the
power to call the Senate House into session for the purpose of
10 voting upon confirmation of appointments.

12 Nomination by Governor made 7 days prior to appointment of
nominee. Every nomination by the Governor shall be made 7 days
14 at least prior to appointment of the nominee.

16 Constitution, Art. V, Part First, §§13 to 15, as amended by CR 1987,
c. 4, are further amended to read:

18 Section 13. Convene the Legislature on extraordinary
20 occasions, and adjourn it in case of disagreement; may change the
place of meeting. The Governor may, on extraordinary occasions,
22 convene the Legislature; and ~~in case of disagreement between the~~
~~2 Houses with respect to the time of adjournment, adjourn them to~~
24 ~~such time, as the Governor shall think proper, not beyond the day~~
~~of the next regular session;~~ and if, since the last adjournment,
26 the place where the Legislature were next to convene shall have
become dangerous from an enemy or contagious sickness, may direct
28 the session to be held at some other convenient place within the
State.

30 Section 14. Vacancy, how supplied. Whenever the office of
32 Governor shall become vacant because of the death, resignation or
removal of a Governor in office, or any other cause, the
34 ~~President of the Senate~~ Speaker of the House of Representatives
shall assume the office of Governor until another Governor shall
36 be duly qualified. When the vacancy occurs more than 90 days
preceding the date of the primary election for nominating
38 candidates to be voted for at the biennial election next
succeeding, the ~~President of the Senate~~ Speaker of the House of
40 Representatives shall assume the office of Governor until the
first Wednesday after the first Tuesday of January following the
42 biennial election. At the biennial election, a Governor shall be
elected to fill the unexpired term created by the vacancy. When
44 the vacancy occurs less than 90 days preceding the date of a
primary election the ~~President of the Senate~~ Speaker of the House
46 of Representatives shall fill the unexpired term.

48 ~~Whenever the offices of Governor and President of the Senate~~
~~are vacant at the same time, the Speaker of the House of~~
50 ~~Representatives shall assume the office of Governor for the same~~
~~term and under the same conditions as the President of the Senate.~~

2 Whenever the offices of Governor, ~~President of the Senate~~
4 and Speaker of the House of Representatives are vacant at the
6 same time, the person acting as Secretary of State for the time
8 being shall exercise the office of Governor and shall forthwith
10 by proclamation convene ~~the Senate and the House of~~
12 Representatives which shall fill respectively the ~~vacancies~~
14 vacancy in the office of ~~the President of the Senate and the~~
16 Speaker of the House of Representatives, and by joint ballot of
18 the ~~Senators and Representatives in convention~~ choose a person
20 who shall assume the office of Governor for the same term and
22 under the same conditions as the ~~President of the Senate~~ Speaker
24 of the House of Representatives.

26 **Mental or physical disability of the Governor continuously**
28 **for more than 6 months.** Whenever for 6 months a Governor in
30 office shall have been continuously unable to discharge the
32 powers and duties of that office because of mental or physical
34 disability such office shall be deemed vacant. Such vacancy
36 shall be declared by the Supreme Judicial Court upon presentment
38 to it of a joint resolution declaring the ground of the vacancy,
40 adopted by a vote of 2/3 of the ~~Senators and Representatives in~~
42 ~~convention~~, and upon notice, hearing before the court and a
44 decision by a majority of the court that ground exists for
46 declaring the office to be vacant.

48 **Section 15. Temporary mental or physical disability of**
50 **Governor.** Whenever the Governor is unable to discharge the
powers and duties of that office because of mental or physical
disability, ~~the President of the Senate, or if that office is~~
vacant, the Speaker of the House of Representatives, shall
exercise the powers and duties of the office of Governor until
the Governor is again able to discharge the powers and duties of
that office, or until the office of Governor is declared to be
vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and
duties of that office, the Governor may so certify to the Chief
Justice of the Supreme Judicial Court, in which case and upon
notice from the Chief Justice, ~~the President of the Senate, or if~~
~~that office is vacant~~, the Speaker of the House of
Representatives, shall exercise the powers and duties of the
office of Governor until such time as the Governor shall certify
to the Chief Justice that the Governor is able to discharge such
powers and duties and the Chief Justice shall so notify the
officer who is exercising the powers and duties of the office of
Governor.

When the Secretary of State shall have reason to believe
that the Governor is unable to discharge the duties of that

office, the Secretary of State may so certify to the Supreme
2 Judicial Court, declaring the reason for such belief. After
notice to the Governor, a hearing before the court and a decision
4 by a majority of the court that the Governor is unable to
discharge the duties of the office of Governor, the court shall
6 notify ~~the President of the Senate, or if that office is vacant~~
the Speaker of the House of Representatives, of such inability
8 and that ~~officer~~ officer shall exercise the functions, powers and
duties of the office of Governor until such time as the Secretary
10 of State or the Governor shall certify to the court that the
Governor is able to discharge the duties of the office of
12 Governor and the court, after notice to the Governor and a
hearing before the court, decides that the Governor is able to
14 discharge the duties of that office and so notifies the officer
who is exercising the powers and duties of the office of Governor.

16
Whenever ~~either the President of the Senate or the~~ Speaker
18 of the House of Representatives shall exercise the office of
Governor, the officer shall receive only the compensation of
20 Governor, but the officer's duties as ~~President or Speaker~~
shall be suspended; and the ~~Senate or~~ House shall fill the vacancy
22 resulting from such suspension, until the officer shall cease to
exercise the office of Governor.

24
Constitution, Art. V, Part Second, §1 is amended to read:

26
Section 1. Election. The Secretary of State shall be
28 chosen biennially at the first session of the Legislature, by
joint ballot of the ~~Senators and~~ Representatives ~~in convention.~~

30
Constitution, Art. V, Part Second, §§3 and 4, as amended by CR
32 **1987, c. 4, are further amended to read:**

34
Section 3. Attend the Governor and House. The Secretary of
State shall attend the Governor, ~~Senate~~ and House of
36 Representatives, in person or by the deputies of the Secretary of
State as they shall respectively require.

38
Section 4. Records of executive and legislative
40 **departments.** The Secretary of State shall carefully keep and
preserve the records of all the official acts and proceedings of
42 the Governor, ~~Senate~~ and House of Representatives, and, when
required, lay the same before ~~either branch of~~ the Legislature,
44 and perform such other duties as are enjoined by this
Constitution, or shall be required by law.

46
Constitution, Art. V, Part Third, §1 is amended to read:

48
Section 1. Election. The Treasurer shall be chosen
50 biennially, at the first session of the Legislature, by joint
ballot of the ~~Senators, and~~ Representatives ~~in convention.~~

2 **Constitution, Art. VI, §3** is amended to read:

4 **Section 3. To give opinion when required by Governor or the**
6 **Legislature.** The Justices of the Supreme Judicial Court shall be
8 obliged to give their opinion upon important questions of law,
and upon solemn occasions, when required by the Governor, Senate
or House of Representatives.

10 **Constitution, Art. VI, §4,** as amended by CR 1987, c. 4, is
amended to read:

12 **Section 4. Tenure of judicial officers; six-month holdover**
14 **period.** All judicial officers appointed by the Governor shall
hold their offices for the term of 7 years from the time of their
16 respective appointments (unless sooner removed by impeachment or
by address of ~~both branches~~ of the Legislature to the executive,
18 provided further that justices of the peace may be removed from
office in such manner as the Legislature may provide); provided,
20 however, that a judicial officer whose term of office has expired
or who has reached mandatory retirement age, as provided by
22 statute, may continue to hold office until the expiration of an
additional period not to exceed 6 months or until the successor
24 to the judicial officer is appointed, whichever occurs first in
time.

26 **Constitution, Art. IX, §1,** as amended by CR 1987, c. 4, is
28 further amended by amending the last paragraph to read:

30 **Oaths of Governor; oaths of Representatives; oaths of other**
32 **officers; before whom taken.** The oaths or affirmations shall be
taken and subscribed by the Governor before the presiding officer
of the Senate House, ~~in the presence of both Houses of the~~
34 Legislature, and by the ~~Senators and~~ Representatives before the
Governor and by the residue of said officers before such persons
36 as shall be prescribed by the Legislature; and whenever the
Governor shall not be able to attend during the session of the
38 Legislature to take and subscribe said oaths or affirmations,
such oaths or affirmations may be taken and subscribed in the
40 recess of the Legislature before any Justice of the Supreme
Judicial Court and provided further that, if the Governor shall
42 be unable to appear and administer the oath to the ~~Senators and~~
Representatives, such oaths shall be administered by the Chief
44 Justice of the Supreme Judicial Court or in the absence of the
Chief Justice, by the senior Associate Justice of said Supreme
46 Judicial Court present at the State Capitol on the first day of
the term for which said ~~Senators and~~ Representatives shall have
48 been elected.

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

2 **Section 4. Elections on the first Wednesday after first**
4 **Tuesday of January may be adjourned from day to day.** In case the
6 elections, required by this Constitution on the first Wednesday
8 after the first Tuesday of January biennially, by the ~~2-Houses-of~~
10 ~~the-Legislature~~ House of Representatives, 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
House shall first be filled; and the Governor shall then be
elected, if there be no choice by the people.

12 **Constitution, Art. IX, §5, as amended by CR 1987, c. 4, is**
14 further amended to read:

16 **Section 5. Removal by impeachment or address.** Every person
18 holding any civil office under this State, may be removed by
impeachment, for misdemeanor in office; and every person holding
20 any office, may be removed by the Governor on the address of ~~both~~
22 ~~branches~~ of the Legislature. But before such address shall pass
either the House, the causes of removal shall be stated and
entered on the journal of the House ~~in-which-it-originated~~, and a
copy thereof served on the person in office, that the person may
be admitted to a hearing in that person's own defense.

24 **Constitution, Art. IX, §11 is amended to read:**

26 **Section 11. Attorney General.** The Attorney General shall
28 be chosen biennially by joint ballot of the Senators--and
30 Representatives ~~in-convention~~. Vacancy in said office occurring
when the Legislature is not in session, may be filled by
32 appointment by the Governor, subject to confirmation as required
by this Constitution for Justices of the Supreme Judicial Court.

34 **Constitution, Art. IX, §14, first ¶, as amended by CR 1983, c. 4,**
36 is further amended to read:

38 **Section 14. Contents of Bond Issue Questions Submitted to**
40 **Electors; limiting Life of Bond Authorization; deauthorization of**
42 **Bond Issues.** The credit of the State shall not be directly or
indirectly loaned in any case, except as provided in sections
44 14-A, 14-C, 14-D and 14-E. The Legislature shall not create any
debt or debts, liability or liabilities, on behalf of the State,
46 which shall singly, or in the aggregate, with previous debts and
liabilities hereafter incurred at any one time, exceed
\$2,000,000, except to suppress insurrection, to repel invasion,
48 or for purposes of war, and except for temporary loans to be paid
out of money raised by taxation during the fiscal year in which
they are made; and excepting also that whenever 2/3 of ~~both~~
50 ~~Houses~~ the House shall deem it necessary, by proper enactment
ratified by a majority of the electors voting thereon at a

2 general or special election, the Legislature may authorize the
3 issuance of bonds on behalf of the State at such times and in
4 such amounts and for such purposes as approved by such action;
5 but this shall not be construed to refer to any money that has
6 been, or may be deposited with this State by the Government of
7 the United States, or to any fund which the State shall hold in
8 trust for any Indian tribe. Whenever ratification by the
9 electors is essential to the validity of bonds to be issued on
10 behalf of the State, the question submitted to the electors shall
11 be accompanied by a statement setting forth the total amount of
12 bonds of the State outstanding and unpaid, the total amount of
13 bonds of the State authorized and unissued, and the total amount
14 of bonds of the State contemplated to be issued if the enactment
15 submitted to the electors be ratified. For any bond
16 authorization requiring ratification of the electors pursuant to
17 this section, if any bonds have not been issued within 5 years of
18 the date of ratification, then those bonds may not be issued
19 after that date. Within 2 years after expiration of that 5-year
20 period, the Legislature may extend, by a majority vote, the
21 5-year period for an additional 5 years or may deauthorize the
22 bonds. If the Legislature fails to take action within those 2
23 years, the bond issue shall be considered to be deauthorized and
24 no further bonds may be issued. For any bond authorization in
25 existence on November 6, 1984, and for which the 5-year period
26 following ratification has expired, no further bonds may be
27 issued unless the Legislature, by November 6, 1986, reauthorizes
28 those bonds by a majority vote, for an additional 5-year period,
29 failing which all bonds unissued under those authorizations shall
30 be considered to be deauthorized. Temporary loans to be paid out
31 of moneys raised by taxation during any fiscal year shall not
32 exceed in the aggregate during the fiscal year in question an
33 amount greater than 10% of all the moneys appropriated,
34 authorized and allocated by the Legislature from undedicated
35 revenues to the General Fund and dedicated revenues to the
36 Highway Fund for that fiscal year, exclusive of proceeds or
37 expenditures from the sale of bonds, or greater than 1% of the
38 total valuation of the State of Maine, whichever is the lesser.

39
40 **Constitution, Art. IX, §20**, as enacted by CR 1983, c. 2, is
41 amended to read:

42 **Section 20. Mining Excise Tax Trust Fund.** The principal
43 amount of the Mining Excise Tax Trust Fund or any successor fund
44 may not be expended unless the expenditure is approved in a
45 separate measure by a 2/3 vote of all the members elected to each
46 House of the Legislature and by the Governor.

47
48 **Constitution, Art. X, §4** is amended to read:

2 Section 4. Amendments to Constitution. The Legislature,
3 whenever 2/3 of both Houses the House shall deem it necessary,
4 may propose amendments to this Constitution; and when any
5 amendments shall be so agreed upon, a resolution shall be passed
6 and sent to the selectmen of the several towns, and the assessors
7 of the several plantations, empowering and directing them to
8 notify the inhabitants of their respective towns and plantations,
9 in the manner prescribed by law, at the next biennial meetings in
10 the month of November, or to meet in the manner prescribed by law
11 for calling and holding biennial meetings of said inhabitants for
12 the election of Senators--and Representatives, on the Tuesday
13 following the first Monday of November following the passage of
14 said resolve, to give in their votes on the question, whether
15 such amendment shall be made; and if it shall appear that a
16 majority of the inhabitants voting on the question are in favor
17 of such amendment, it shall become a part of this Constitution.'

18 Further amend the bill by striking out all of the question
19 and inserting in its place the following:

20 ' "Do you favor amending the Constitution of Maine to reduce
21 the size of the House of Representatives from 151 to 149
22 members and to change the Legislature to a unicameral, or
23 single body, branch of government?" '

24
25 Further amend the bill by inserting at the end before the
26 statement of fact the following:

27
28 **FISCAL NOTE**

29
30 The estimated cost of sending this resolution out to
31 referendum will vary according to the total number of referenda
32 enacted during the Second Regular Session of the 115th
33 Legislature. The estimated cost to the Secretary of State if one
34 to 6 referenda are enacted is \$95,000. Each additional
35 referendum costs an additional \$7,000.

36
37 If approved by the voters, the elimination of the Senate and
38 its staff and the reduction of the size of the House of
39 Representatives will result in future General Fund savings.
40 Based on current cost estimates, the estimated savings would be
41 approximately \$1,950,000 during a first regular session and
42 \$1,720,000 during a 2nd regular session.'

43
44

STATEMENT OF FACT

This amendment reduces the size of the House of Representatives from 151 to 149 and also transforms the Legislature into a unicameral branch.

Filed by Rep. Lemke of Westbrook
Reproduced and distributed under the direction of the Clerk of the House
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