

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "**B**" 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 resolution by striking out the title and substituting the following:

**'RESOLUTION, Proposing Amendments to the Constitution of Maine to Reduce the Size of the House of Representatives'**

Further amend the resolution in the first paragraph after the title in the last line (page 1, line 3 in L.D.) by striking out the following: "amendment" and inserting in its place the following: 'amendments'

Further amend the resolution 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

**HOUSE AMENDMENT**

2 where such seminary is established. No person, however, shall be  
deemed to have lost residence by reason of the person's absence  
4 from the state in the military service of the United States, or  
of this State.

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

8 **Section 4. Time of state election; absentee voting.** The  
election of Senators and Representatives shall be on the Tuesday  
10 following the first Monday of November biennially forever and the  
election of Governor shall be on the Tuesday following the first  
12 Monday of November every 4 years. The Legislature under proper  
enactment shall authorize and provide for voting by citizens of  
14 the State absent therefrom in the Armed Forces of the United  
States or of this State and for voting by other citizens absent  
16 or physically incapacitated for reasons deemed sufficient.

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

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

32 Further amend the resolution in section 2 in the 3rd line  
(page 1, line 10 in L.D.) by inserting after the following:  
34 "Representatives" the following: 'also referred to as the House'  
and in the 4th line (page 1, line 11 in L.D.) by striking out the  
36 following: "151" and inserting in its place the following: '151  
149'

38 Further amend the resolution in section 2 by inserting after  
40 the 4th sentence (page 1, line 20 in L.D.) the following:  
'Redistricting by the Legislature that convenes in 1993 must  
42 anticipate the reduction in the size of the House of  
Representatives and the transition to a unicameral Legislature  
44 effective for the 117th Legislature.'

46 Further amend the resolution by inserting after section 2  
the following:

48 **'Constitution, Art IV, Part First, §8 is amended to read:**

50

2           **Section 8. Power of impeachment.** The House of  
3 Representatives shall have the sole power of impeachment,  
4 including the power to try impeachments. When sitting for the  
5 purpose of trying an impeachment, the House of Representatives  
6 must be on oath or affirmation, and a person may not be convicted  
7 without the concurrence of 2/3 of the members present. Their  
8 judgment, however may not extend farther than to removal from  
9 office, and disqualification to hold or enjoy any office of  
10 honor, trust or profit under this State. But the party, whether  
11 convicted or acquitted, is nevertheless liable to indictment,  
12 trial, judgment and punishment according to law.

13           **Constitution, Art. IV, Part Second, §1** is repealed.

14           **Constitution, Art. IV, Part Second, §2,** as amended by CR 1985, c.  
15 3, is repealed.

16           **Constitution, Art. IV, Part Second, §3 to 8,** are repealed.

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

18           **Section 1. To meet annually; power of Legislature to**  
19 **convene itself at other times; extent of legislative power.** The  
20 Legislature shall convene on the first Wednesday of December  
21 following the general election in what shall be designated the  
22 first regular session of the Legislature; and shall further  
23 convene on the first Wednesday after the first Tuesday of January  
24 in the subsequent even-numbered year in what shall be designated  
25 the second regular session of the Legislature; provided, however,  
26 that the business of the second regular session of the  
27 Legislature shall be limited to budgetary matters; legislation in  
28 the Governor's call; legislation of an emergency nature admitted  
29 by the Legislature; legislation referred to committees for study  
30 and report by the Legislature in the first regular session; and  
31 legislation presented to the Legislature by written petition of  
32 the electors under the provisions of Article IV, Part Third,  
33 Section 18. The Legislature shall enact appropriate statutory  
34 limits on the length of the first regular session and of the  
35 second regular session. The Legislature may convene at such  
36 other times on the call of the ~~President--of--the--Senate--and~~  
37 Speaker of the House of Representatives, with the consent of a  
38 majority of the Members of the Legislature of each political  
39 party, all Members of the Legislature having been first polled.  
40 The Legislature, with the exceptions hereinafter stated, shall  
41 have full power to make and establish all reasonable laws and  
42 regulations for the defense and benefit of the people of this  
43 State, not repugnant to this Constitution, nor to that of the  
44 United States.

Constitution, Art. IV, Part Third, §1-A, as amended by CR 1987, c. 4, is 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 5 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive the same rate of per diem that is paid to Legislators for every day's attendance at special sessions of the Legislature as defined by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall establish a budget for the apportioning commission within the state budget document in the fiscal year previous to the fiscal year during which the apportioning commission is required to convene and shall appropriate sufficient funds for the commission to satisfactorily perform its duties and responsibilities. The budget shall include sufficient funds to

2 compensate the chairperson of the commission and the  
3 chairperson's staff. The remainder of the appropriation shall be  
4 made available equally among the political parties represented on  
5 the commission to provide travel expenses, incidental expenses  
6 and compensation for commission members and for partisan staff  
and operations.

8 **Constitution, Art. IV, Part Third, §2**, as amended by CR 1987, c.  
9 4, is further amended to read:

10 **Section 2. Bills to be signed by the Governor;**  
11 **proceedings, in case the Governor disapproves; allowing the**  
12 **Governor 10 days to act on legislation.** Every bill or  
13 resolution, having the force of law, to which the concurrence of  
14 ~~both-Houses~~ the House of Representatives may be necessary, except  
15 on a question of adjournment, which shall have passed ~~both-Houses~~  
16 the House of Representatives, shall be presented to the Governor,  
17 and if the Governor approves, the Governor shall sign it; if not,  
18 the Governor shall return it with objections to the House of  
19 Representatives, ~~in which it shall have originated,~~ which shall  
20 enter the objections at large on its ~~journals~~ journal, and  
21 proceed to reconsider it. If after such reconsideration, 2/3 of  
22 ~~that~~ the House shall agree to pass it, ~~it shall be sent together~~  
23 ~~with the objections, to the other House, by which it shall be~~  
24 ~~reconsidered, and, if approved by 2/3 of that House,~~ it shall  
25 have the same effect, as if it had been signed by the Governor;  
26 but in all such cases, the votes of ~~both-Houses~~ the House shall  
27 be taken by yeas and nays, and the names of the persons, voting  
28 for and against the bill or resolution, shall be entered on the  
29 ~~journals~~ journal of ~~both-Houses~~ respectively the House. If the  
30 bill or resolution shall not be returned by the Governor within  
31 10 days (Sundays excepted) after it shall have been presented to  
32 the Governor, it shall have the same force and effect as if the  
33 Governor had signed it unless the Legislature by their  
34 adjournment prevent its return, in which case it shall have such  
35 force and effect, unless returned within 3 days after the next  
36 meeting of the same Legislature which enacted the bill or  
37 resolution; if there is no such next meeting of the Legislature  
38 which enacted the bill or resolution, the bill or resolution  
39 shall not be a law.

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

44 **Section 3. The House to judge of its elections; majority, a**  
45 **quorum.** Each The House shall be the judge of the elections and  
46 qualifications of its own members, and a majority shall  
47 constitute a quorum to do business; but a smaller number may  
48 adjourn from day to day, and may compel the attendance of absent  
49 members, in such manner and under such penalties as each the  
50 House shall provide.

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

6           Section 5. Shall keep a journal; yeas and nays. Each The  
8 House shall keep a journal, and from time to time publish its  
proceedings, except such parts as in ~~their~~ its judgment may  
10 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  
12 present, be entered on the ~~journal's~~ journal.

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

22           Section 7. Compensation; traveling expenses. The ~~Senators~~  
and Representatives shall receive such compensation, as shall be  
24 established by law; but no law increasing their compensation  
shall take effect during the existence of the Legislature, which  
26 enacted it. The expenses of the members of the House of  
Representatives in traveling to the Legislature, and returning  
28 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,  
30 who shall seasonably attend, in the judgment of the House, and  
does not depart therefrom without leave.

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

40           Constitution, Art. IV, Part Third, §9 is repealed.

42           Constitution, Art. IV, Part Third, §§10 and 11, as amended by CR  
44 1987, c. 4, are further amended to read:

46           Section 10. Members not to be appointed to certain  
offices. No ~~Senator--or~~ Representative shall, during the term for  
48 which the ~~Senator--or~~ Representative shall have been elected, be  
appointed to any civil office of profit under this State, which  
50 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.

**Section 11. Persons disqualified to be members.** No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this 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.

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

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

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

**Section 16. Acts become effective in 90 days after recess; exception; emergency bill defined.** 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 90 days after the recess of the session of the Legislature 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 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.

**Constitution, Art. IV, Part Third, §18, sub-§1 is amended to read:**

**1. Petition procedure; petitions for direct initiative of legislation.** The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature ~~or to either branch thereof~~ and filed in the office



2 of the Secretary of State by the hour of 5:00 p.m., on or before  
the 50th day after the date of convening of the Legislature in  
4 first regular session or on or before the 25th day after the date  
of convening of the Legislature in second regular session. If  
6 the 50th or 25th day, whichever applies, is a Saturday, Sunday,  
or legal holiday, the period runs until the hour of 5:00 p.m., of  
8 the next day which is not a Saturday, Sunday, or legal holiday.

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

12 **Section 3. Election; votes to be returned to Secretary of**  
14 **State; Secretary of State to lay lists before the House of**  
16 **Representatives; provision in case of tie.** The meetings for  
election of Governor shall be notified, held and regulated and  
18 votes shall be received, sorted, counted and declared and  
recorded, in the same manner as those for Senators--and  
Representatives. Copies of lists of votes shall be sealed and  
20 returned to the secretary's office in the same manner and at the  
same time as those for Senators Representatives. The Secretary  
of State for the time being shall, on the first Wednesday after  
22 the first Tuesday of January then next, lay the lists returned to  
the secretary's office before the Senate---and House of  
24 Representatives to be by them examined, together with the ballots  
cast if they so elect, and they shall determine the number of  
26 votes duly cast for the office of Governor, and in case of a  
choice by plurality of all of the votes returned they shall  
28 declare and publish the same. If there shall be a tie between  
the 2 persons having the largest number of votes for Governor,  
30 the House of Representatives and--the--Senate--meeting--in--joint  
session,--and--each--member--of--said--bodies--having--a--single--vote,  
32 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  
34 of Representatives shall be declared the Governor.

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

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

46 **Procedure for confirmation.** The procedure for confirmation  
48 shall be as follows: an appropriate legislative committee  
emprised--of--members--of--both--houses--in--reasonable--proportion--to  
50 their--membership--as--provided--by--law shall recommend confirmation

2 or denial by majority vote of committee members present and  
3 voting. The committee recommendation shall be reviewed by the  
4 Senate House and upon review shall become final action of  
5 confirmation or denial unless the Senate House by vote of 2/3 of  
6 those members present and voting overrides the committee  
7 recommendation. The Senate House vote shall be by the yeas and  
8 nays.

9  
10 **Affirmative vote of 2/3 of members required.** All statutes  
11 enacted to carry out the purposes of the second 2nd paragraph of  
12 this section shall require the affirmative vote of 2/3 of the  
13 members of each the House present and voting.

14 **Governor or Speaker of the House of Representatives may call**  
15 **House into session.** Either the Governor or the ~~President of the~~  
16 Senate Speaker of the House of Representatives shall have the  
17 power to call the Senate House into session for the purpose of  
18 voting upon confirmation of appointments.

19  
20 **Nomination by Governor made 7 days prior to appointment of**  
21 **nominee.** Every nomination by the Governor shall be made 7 days  
22 at least prior to appointment of the nominee.

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

25  
26 **Section 13. Convene the Legislature on extraordinary**  
27 **occasions, and adjourn it in case of disagreement; may change the**  
28 **place of meeting.** The Governor may, on extraordinary occasions,  
29 convene the Legislature; ~~and in case of disagreement between the~~  
30 ~~2-Houses with respect to the time of adjournment, adjourn them to~~  
31 ~~such time, as the Governor shall think proper, not beyond the day~~  
32 ~~of the next regular session;~~ and if, since the last adjournment,  
33 the place where the Legislature were next to convene shall have  
34 become dangerous from an enemy or contagious sickness, may direct  
35 the session to be held at some other convenient place within the  
36 State.

37  
38 **Section 14. Vacancy, how supplied.** Whenever the office of  
39 Governor shall become vacant because of the death, resignation or  
40 removal of a Governor in office, or any other cause, the  
41 ~~President of the Senate~~ Speaker of the House of Representatives  
42 shall assume the office of Governor until another Governor shall  
43 be duly qualified. When the vacancy occurs more than 90 days  
44 preceding the date of the primary election for nominating  
45 candidates to be voted for at the biennial election next  
46 succeeding, the ~~President of the Senate~~ Speaker of the House of  
47 Representatives shall assume the office of Governor until the  
48 first Wednesday after the first Tuesday of January following the  
49 biennial election. At the biennial election, a Governor shall be  
50

2 elected to fill the unexpired term created by the vacancy. When  
the vacancy occurs less than 90 days preceding the date of a  
primary election the ~~President-of-the-Senate~~ Speaker of the House  
4 of Representatives shall fill the unexpired term.

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

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

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

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

46 Whenever the Governor is unable to discharge the powers and  
duties of that office, the Governor may so certify to the Chief  
48 Justice of the Supreme Judicial Court, in which case and upon  
notice from the Chief Justice, ~~the President of the Senate, or if~~  
50 ~~that office is vacant,~~ the Speaker of the House of

2 Representatives, shall exercise the powers and duties of the  
3 office of Governor until such time as the Governor shall certify  
4 to the Chief Justice that the Governor is able to discharge such  
5 powers and duties and the Chief Justice shall so notify the  
6 officer who is exercising the powers and duties of the office of  
7 Governor.

8 When the Secretary of State shall have reason to believe  
9 that the Governor is unable to discharge the duties of that  
10 office, the Secretary of State may so certify to the Supreme  
11 Judicial Court, declaring the reason for such belief. After  
12 notice to the Governor, a hearing before the court and a decision  
13 by a majority of the court that the Governor is unable to  
14 discharge the duties of the office of Governor, the court shall  
15 notify ~~the President of the Senate, or if that office is vacant~~  
16 the Speaker of the House of Representatives, of such inability  
17 and that ~~either~~ officer shall exercise the functions, powers and  
18 duties of the office of Governor until such time as the Secretary  
19 of State or the Governor shall certify to the court that the  
20 Governor is able to discharge the duties of the office of  
21 Governor and the court, after notice to the Governor and a  
22 hearing before the court, decides that the Governor is able to  
23 discharge the duties of that office and so notifies the officer  
24 who is exercising the powers and duties of the office of Governor.

25 Whenever ~~either the President of the Senate or the~~ the Speaker  
26 of the House of Representatives shall exercise the office of  
27 Governor, the officer shall receive only the compensation of  
28 Governor, but the officer's duties as ~~President or Speaker~~  
29 shall be suspended; and the ~~Senate or~~ House shall fill the vacancy  
30 resulting from such suspension, until the officer shall cease to  
31 exercise the office of Governor.  
32

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

34 **Section 1. Election.** The Secretary of State shall be  
35 chosen biennially at the first session of the Legislature, by  
36 joint ballot of the Senators and Representatives in convention.

37 **Constitution, Art. V, Part Second, §§3 and 4,** as amended by CR  
38 1987, c. 4, are further amended to read:

39 **Section 3. Attend the Governor and House.** The Secretary of  
40 State shall attend the Governor, ~~Senate~~ and House of  
41 Representatives, in person or by the deputies of the Secretary of  
42 State as they shall respectively require.

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

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

8 **Section 1. Election.** The Treasurer shall be chosen  
9 biennially, at the first session of the Legislature, by joint  
10 ballot of the Senators,--and Representatives in-convention.

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

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

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

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

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

40 **Oaths of Governor; oaths of Representatives; oaths of other**  
41 **officers; before whom taken.** The oaths or affirmations shall be  
42 taken and subscribed by the Governor before the presiding officer  
43 of the Senate House, in--the--presence--of--both--Houses--of--the  
44 Legislature, and by the Senators--and Representatives before the  
45 Governor and by the residue of said officers before such persons  
46 as shall be prescribed by the Legislature; and whenever the  
47 Governor shall not be able to attend during the session of the  
48 Legislature to take and subscribe said oaths or affirmations,  
49 such oaths or affirmations may be taken and subscribed in the  
50 recess of the Legislature before any Justice of the Supreme

Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the ~~Senators and~~ Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in the absence of the Chief Justice, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said ~~Senators and~~ Representatives shall have been elected.

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

Section 4. Elections on the first Wednesday after first Tuesday of January may be adjourned from day to day. In case the elections, required by this Constitution on the first Wednesday after the first Tuesday of January biennially, by the ~~2-Houses of 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.

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

Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor on the address ~~of both~~ 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.

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

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

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

Section 14. Contents of Bond Issue Questions Submitted to Electors; limiting Life of Bond Authorization; deauthorization of Bond Issues. The credit of the State shall not be directly or indirectly loaned in any case, except as provided in sections

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, 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, 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 Houses the House shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action; but this shall not be construed to refer to any money that has been, or may be deposited with this State by the Government of the United States, or to any fund which the State shall hold in trust for any Indian tribe. Whenever ratification by the electors is essential to the validity of bonds to be issued on behalf of the State, the question submitted to the electors shall be accompanied by a statement setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued, and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors be ratified. For any bond authorization requiring ratification of the electors pursuant to this section, if any bonds have not been issued within 5 years of the date of ratification, then those bonds may not be issued after that date. Within 2 years after expiration of that 5-year period, the Legislature may extend, by a majority vote, the 5-year period for an additional 5 years or may deauthorize the bonds. If the Legislature fails to take action within those 2 years, the bond issue shall be considered to be deauthorized and no further bonds may be issued. For any bond authorization in existence on November 6, 1984, and for which the 5-year period following ratification has expired, no further bonds may be issued unless the Legislature, by November 6, 1986, reauthorizes those bonds by a majority vote, for an additional 5-year period, failing which all bonds unissued under those authorizations shall be considered to be deauthorized. Temporary loans to be paid out of moneys raised by taxation during any fiscal year shall not exceed in the aggregate during the fiscal year in question an amount greater than 10% of all the moneys appropriated, authorized and allocated by the Legislature from undedicated revenues to the General Fund and dedicated revenues to the Highway Fund for that fiscal year, exclusive of proceeds or expenditures from the sale of bonds, or greater than 1% of the total valuation of the State of Maine, whichever is the lesser.

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

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

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

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

26           Further amend the resolution by striking out all of the  
28 question and inserting in its place the following:

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

34           Further amend the resolution in the 2nd resolve section in  
36 the last paragraph by striking out all of the last sentence (page  
2, lines 7 to 11 in L.D.) and inserting in its place the  
38 following: 'The Governor shall review the returns and, if it  
appears that a majority of the legal votes are cast in favor of  
40 the amendment, the Governor shall proclaim that fact without  
delay and those sections of the amendment that amend or repeal  
42 the Constitution of Maine, Article IV, Part First, Section 2;  
Article IV, Part Second, Section 2; and Article IV, Part Third,  
44 Section 1-A become part of the Constitution on the date of the  
proclamation and all other sections of the amendment become part  
46 of the Constitution upon the convening of the 117th Legislature.  
If the amendment is approved by the voters, the 116th Legislature  
48 shall prepare and report out legislation necessary to conform the  
Maine Revised Statutes to the changes in the Constitution.

; and be it further'

# HOUSE AMENDMENT



2 Further amend the resolution by inserting at the end before  
the statement of fact the following:

4

FISCAL NOTE

6

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

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

20

22

STATEMENT OF FACT

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

28

This amendment also adds a fiscal note.

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

3/23/92

(Filing No. H-1175)