

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1035

H.P. 768

House of Representatives, March 25, 1993

**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Create a Unicameral Legislature.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.  
Cosponsored by Senator CAREY of Kennebec and  
Representatives: ADAMS of Portland, ANDERSON of Woodland, BAILEY of Township 27,  
BARTH of Bethel, CLARK of Millinocket, COFFMAN of Old Town, DEXTER of Kingfield,  
FITZPATRICK of Durham, GRAY of Sedgwick, KERR of Old Orchard Beach, KILKELLY of  
Wiscasset, KONTOS of Windham, LORD of Waterboro, PARADIS of Augusta, PFEIFFER of  
Brunswick, PLOURDE of Biddeford, POULIOT of Lewiston, TRACY of Rome, VIGUE of  
Winslow, YOUNG of Limestone.

2           **Constitutional amendment. RESOLVED:** Two thirds of each  
branch of the Legislature concurring, that the following  
4 amendment to the Constitution of Maine be proposed:

6           **Constitution, Art. II, §1** is amended to read:

8           **Section 1. Qualifications of electors; written ballot;**  
members of armed forces; students. Every citizen of the United  
10 States of the age of 18 years and upwards, excepting persons  
under guardianship for reasons of mental illness, having his-~~er~~  
12 her a residence established in this State, shall-be is an elector  
for Governor,--~~Senators~~ and ~~Representatives~~, members of the  
14 Legislature in the city, town or plantation where his-~~er~~-her that  
person's residence has been established, if he-~~er~~-she that person  
16 continues to reside in this State; and the elections shall must  
be by written ballot. But persons in the military, naval or  
18 marine service of the United States, or this State, shall are not  
be considered as having obtained such established residence by  
20 being stationed in any garrison, barrack or military place, in  
any city, town or plantation; nor shall does the residence of a  
22 student at any seminary of learning entitle the student to the  
right of suffrage in the city, town or plantation where such  
24 seminary is established. No person, however, shall-be is deemed  
to have lost residence by reason of the person's absence from the  
26 state in the military service of the United States, or of this  
State.

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

30           **Section 4. Time of state election; absentee voting.** The  
election of ~~Senators and Representatives shall be~~ members of the  
32 Legislature is on the Tuesday following the first Monday of  
November biennially forever and the election of Governor shall-be  
34 is on the Tuesday following the first Monday of November every 4  
years. The Legislature under proper enactment shall authorize  
36 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  
38 voting by other citizens absent or physically incapacitated for  
reasons deemed sufficient.

40           **Constitution, Art. IV, Part First, §§1 and 2** are repealed and the  
42 following enacted in their place:

44           **Section 1. Legislative branch.** Commencing with the first  
regular session of the Legislature in December 1994, the  
46 legislative authority of the State is vested in a Legislature  
consisting of one chamber, but the people reserve to themselves  
48 power to propose laws and enact or reject the same at the polls  
independent of the Legislature and reserve the power to approve  
50 or reject at the polls any Act, bill, resolve or resolution  
proposed by the Legislature and the style of the laws and Acts

2 must be "Be it enacted by the People of the State of Maine." All  
3 authority vested by the Constitution or laws of the State in the  
4 Senate, House of Representatives or joint session of those  
5 Houses, insofar as applicable, is vested in the one-chamber  
6 Legislature. All provisions in the laws of the State relating to  
7 the Legislature, the Senate and House of Representatives, joint  
8 sessions of the Senate and House of Representatives, Senators or  
9 members of the House of Representatives, insofar as such  
10 provisions are applicable, apply to and mean the one-chamber  
11 Legislature established by this section. All references to Clerk  
12 of the House of Representatives or Secretary of the Senate mean,  
13 when applicable, the Clerk of the Legislature. All references to  
14 the Speaker of the House of Representatives or President of the  
15 Senate mean the Speaker of the Legislature. Whenever any  
16 provision of the Constitution or the law requires the submission  
17 of any matter to, or action by, the House of Representatives, the  
18 Senate or joint session of those Houses, or the members of either  
19 body or both, after December 1994, they are amended to mean and  
20 must be construed to refer to the one-chamber Legislature  
21 established by this section.

22 At the beginning of each first regular session, the  
23 Legislature shall elect from its membership a presiding officer,  
24 known as the Speaker of the Legislature.

26 **Section 2. Number of Legislators.** The Legislature consists  
27 of 147 members who are elected by the qualified electors and  
28 serve terms of 2 years from the day next preceding the first  
29 Wednesday in December following a general election. The  
30 Legislature that convenes in 1994, in 2002 and every 10th year  
31 thereafter shall cause the State to be divided into districts for  
32 the choice of one member of the Legislature for each district.  
33 The number of members must be divided into the number of  
34 inhabitants of the State exclusive of foreigners not naturalized  
35 according to the latest Federal Decennial Census or a state  
36 census previously ordered by the Legislature to coincide with the  
37 Federal Decennial Census to determine a median population figure  
38 for each member district. Each member district must be formed of  
39 continuous and compact territory and cross political subdivision  
40 lines the least number of times necessary to establish as nearly  
41 as practicable equally populated districts. Whenever the  
42 population of a municipality entitles it to more than one  
43 district, all whole districts must be drawn within municipal  
44 boundaries. Any population remainder within the municipality  
45 must be included in a district drawn to cross the municipal  
46 boundary, provided that the population remainder of the  
47 municipality is contiguous to another municipality or  
48 municipalities included in the district.

2           **Constitution, Art. IV, Part First, §§3, 4, 5 and 6** are amended to  
read:

4           **Section 3. Submission of reapportionment plan to Clerk of**  
6           **Legislature; Legislature's action on commission's plan.** The  
8           apportionment plan of the commission established under Article  
10           IV, Part Third, Section 1-A shall must be submitted to the Clerk  
12           of the House Legislature no later than 120 calendar days after  
14           the convening of the Legislature in which apportionment is  
16           required. In the preparation of legislation implementing the  
18           plan, the commission, following a unanimous decision by  
20           commission members, may adjust errors and inconsistencies in  
accordance with the standards set forth in this Constitution, so  
long as substantive changes are not made. The Legislature shall  
enact the submitted plan of the commission or a plan of its own  
by a vote of 2/3 of the ~~Members of each House~~ members within 30  
calendar days after the plan of the commission is submitted.  
Such action shall ~~be~~ is subject to the Governor's approval as  
provided in Article IV, Part Third, Section 2.

22           In the event that the Legislature shall ~~fail~~ fails to make  
24           an apportionment within 130 calendar days after convening, the  
26           Supreme Judicial Court shall, within 60 days following the period  
28           in which the Legislature is required to act, but fails to do so,  
make the apportionment. In making such apportionment, the  
Supreme Judicial Court shall take into consideration plans and  
briefs filed by the public with the court during the first 30  
days of the period in which the court is required to apportion.

30           The Supreme Judicial Court shall ~~have~~ has original  
32           jurisdiction to hear any challenge to an apportionment law  
34           enacted by the Legislature, as registered by any citizen or group  
thereof of citizens. If any challenge is sustained, the Supreme  
Judicial Court shall make the apportionment.

36           **Section 4. Residency requirement.** No person shall ~~may~~ be a  
38           member of the ~~House of Representatives~~ Legislature, unless the  
40           person shall, at the commencement of the period for which the  
42           person is elected, have has been 5 years a citizen of the United  
44           States, ~~have arrived at~~ has reached the age of 21 years, have has  
been a resident in this State one year; and for the 3 months next  
preceding the time of this person's election shall ~~have~~ has been,  
and, during the period for which elected, shall ~~continue~~  
continues to be a resident in the district which ~~that~~ that person  
represents.

46           No person may be a candidate for election as a member of the  
48           ~~House of Representatives~~ Legislature unless, at the time of the  
50           nomination for placement on the primary, general or special  
election ballot, that person is a resident in the district which  
that the candidate seeks to represent.

2           **Section 5. Election of Legislators; lists of votes delivered**  
3 **forthwith; lists of votes examined by Governor; summons of**  
4 **persons who appear to be elected; lists laid before the**  
5 **Legislature.** The meetings within this State for the choice of  
6 ~~Representatives~~ members of the Legislature must be warned  
7 in due course of law by qualified officials of the several towns  
8 and cities 7 days at least before the election, and the election  
9 officials of the various towns and cities shall preside  
10 impartially at such these meetings, receive the votes of all the  
11 qualified electors, and sort, count and declare them in open  
12 meeting; and a list of the persons voted for shall must be  
13 formed, with the number of votes for each person against that  
14 person's name. Cities and towns belonging to any Representative  
15 ~~District~~ district shall hold their meetings at the same time in  
16 the respective cities and towns; and such the meetings shall must  
17 be ~~notified~~ announced, held and regulated, and the votes  
18 received, sorted, counted and declared in the same manner. Fair  
19 copies of the lists of votes shall must be attested by the  
20 municipal officers and the clerks of the cities and towns and the  
21 city and town clerks respectively shall cause the same to be  
22 delivered into the office of the Secretary of State forthwith.  
23 The Governor shall examine the returned copies of such these  
24 lists and 7 days before the first Wednesday of December  
25 biennially, shall issue a summons to such the persons as shall  
26 that appear to have been elected by a plurality of all votes  
27 returned, to attend and take their seats. All such lists shall  
28 must be laid before the ~~House-of-Representatives~~ Legislature on  
29 the first Wednesday of December biennially, and they shall  
30 finally determine who are elected.

32           **Section 6. Vacancies.** Whenever the seat of a member shall  
33 be of the Legislature is vacated by death, resignation, or  
34 otherwise, the vacancy may be filled by a new election.

36           **Constitution, Art. IV, Part First, §7** is repealed and the  
37 following enacted in its place:

38           **Section 7. To choose own officers; power of impeachment.**  
39 The Legislature shall choose its own clerk and other officers and  
40 has the power to try all impeachments and, when sitting for that  
41 purpose, must be on oath or affirmation, and a person may not be  
42 convicted without the concurrence of 2/3 of the members present.  
43 The judgment of the members, however, may not extend farther than  
44 to removal from office and disqualification to hold or enjoy any  
45 office of honor, trust or profit in this State. The party,  
46 whether convicted or acquitted, is nevertheless liable to  
47 indictment, trial, judgment and punishment according to law.

2                   **Constitution, Art. IV, Part First, §8** is repealed.

4                   **Constitution, Art. IV, Part Second** is repealed.

6                   **Constitution, Art. IV, Part Third, §§1 to 8** are amended to read:

8                   **Section 1. To meet annually; power of Legislature to**  
10 **convene itself at other times; extent of legislative power.** The  
12 Legislature shall convene on the first Wednesday of December  
14 following the general election in what shall-be is designated the  
16 first regular session of the Legislature; and shall further  
18 convene on the first Wednesday after the first Tuesday of January  
20 in the subsequent even-numbered year in what shall--be is  
22 designated the second regular session of the Legislature;  
24 provided, however, that the business of the second regular  
26 session of the Legislature shall--be is limited to budgetary  
28 matters; legislation in the Governor's call; legislation of an  
30 emergency nature admitted by the Legislature; legislation  
32 referred to committees for study and report by the Legislature in  
34 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,~~  
with the consent of a majority of the ~~Members~~ members of the  
Legislature of each political party, all ~~Members~~ members of the  
Legislature having been first polled. The Legislature, with the  
exceptions hereinafter stated, shall-have has the 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.

36                   **Section 1-A. Legislature to establish Apportionment**  
38 **Commission; number of quorum; compensation of commission members;**  
40 **commission's budget; division among political parties.** A  
42 Legislature which that is required to apportion the districts of  
44 the ~~House of Representatives or the Senate, or both,~~ its members  
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 Legislature.

2 The commission shall ~~be~~ is composed of ~~3~~ 5 members from the  
4 political party holding the largest number of seats in the House  
6 of ~~Representatives~~ Legislature, who shall ~~be~~ are appointed by the  
8 Speaker; ~~3~~ 5 members from the political party holding the  
10 majority of the remainder of the seats in the House ~~of~~  
12 Representatives Legislature, who shall ~~be~~ are appointed by the  
14 floor leader of that party in the House Legislature; ~~2~~ members of  
16 the party holding the largest number of seats in the Senate, who  
18 shall ~~be~~ are appointed by the President of the Senate; ~~2~~ members of  
20 the political party holding the majority of the remainder of the  
22 seats in the Senate, to be appointed by the floor leader of that  
24 party in the Senate; the chairperson chair 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 to be  
selected by the other 2 public members. The Speaker of ~~the House~~  
shall ~~be~~ is responsible for organizing the commission and shall  
be ~~chairperson~~ is chair pro tempore thereof until a permanent  
chairperson chair 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.

26 Public members of the commission shall ~~receive~~ are entitled  
28 to the same rate of per diem that is paid to Legislators for  
30 every day's attendance at special sessions of the Legislature as  
32 defined by law. All members of the commission shall ~~be~~ are  
34 reimbursed for actual travel expenses incurred in carrying out  
36 the business of the commission. The Legislature ~~which~~ that is  
38 required to apportion shall establish a budget for the  
40 apportioning commission within the state budget document in the  
42 fiscal year previous to the fiscal year during which the  
44 apportioning commission is required to convene and shall  
appropriate sufficient funds for the commission to satisfactorily  
perform its duties and responsibilities. The budget shall must  
include sufficient funds to compensate the chairperson chair of  
the commission and the chairperson's chair's staff. The  
remainder of the appropriation shall must be made available  
equally among the political parties represented on the commission  
to provide travel expenses, incidental expenses and compensation  
for commission members and for partisan staff and operations.

46 **Section 2. Bills to be signed by the Governor; proceedings,**  
48 **in case the Governor disapproves; allowing the Governor 10 days**  
50 **to act on legislation.** Every bill or resolution, having the  
force of law, to which the ~~concurrence of both Houses may be~~  
approval of the Legislature is necessary, except on a question of  
adjournment, ~~which shall have~~ that has passed both ~~Houses~~ the



2 Legislature, shall must be presented to the Governor, and, if the  
Governor approves, the Governor shall sign it; if not, the  
Governor shall return it with objections to the House-in-which-it  
4 shall--have--originated Legislature, which shall enter the  
objections at large on its journals, journal and proceed to  
6 reconsider it. If after such reconsideration, 2/3 of that House  
shall-agree the members of the Legislature agree to pass it, it  
8 shall-be-sent-together-with-the-objections,--to-the-other-House,  
by-which-it-shall-be-reconsidered,--and,--if-approved-by-2/3-of  
10 that-House, it shall-have has the same effect as if it had been  
signed by the Governor; but in all such cases, the votes of both  
12 Houses-shall all members must be taken by yeas and nays, and the  
names of the persons, voting for and against the bill or  
14 resolution, shall must be entered on the journals-of-both-Houses  
respectively journal. If the bill or resolution shall is not be  
16 returned by the Governor within 10 days (Sundays excepted) after  
it shall-have has been presented to the Governor, it shall-have  
18 has the same force and effect as if the Governor had signed it  
unless the Legislature by their its adjournment prevent prevents  
20 its return, in which case it shall-have has such force and  
effect, unless returned within 3 days after the next meeting of  
22 the same Legislature which that enacted the bill or resolution;  
and, if there is no such next meeting of the Legislature which  
24 that enacted the bill or resolution, the bill or resolution shall  
does not be-a become law.

26  
28 **Section 3. The Legislature is the judge of its elections;  
majority, a quorum.** Each-House-shall-be The Legislature is the  
judge of the elections and qualifications of its own members, and  
30 a majority shall-constitute constitutes a quorum to do business;  
but a smaller number may adjourn from day to day, and may compel  
32 the attendance of absent members, in such manner and under such  
penalties as each-House the Legislature shall provide.

34  
36 **Section 4. May punish and expel members.** Each-House The  
Legislature may determine the rules of its proceedings, punish  
its members for disorderly behavior, and, with the concurrence of  
38 2/3, expel a member, but not a 2nd time for the same cause.

40  
42 **Section 5. Shall keep a journal; yeas and nays.** Each-House  
The Legislature shall keep a journal, and from time to time  
publish its proceedings, except such parts as in their its  
44 judgment may require secrecy; and the yeas and nays of the  
members of either-House the Legislature on any question,--shall  
must, at the desire of 1/5 of those present, be entered on the  
46 journals journal.

48  
50 **Section 6. May punish for contempt.** Each--House The  
Legislature, during its session, may punish by imprisonment any  
person, not a member, for disrespectful or disorderly behavior in

2 its presence, for obstructing any of its proceedings,  
3 threatening, assaulting or abusing any of its members for  
4 anything said, done, or doing in either House the Legislature;  
5 provided, that no imprisonment shall may extend beyond the period  
6 of the same session.

7 **Section 7. Compensation; traveling expenses.** The Senators  
8 ~~and Representatives shall~~ members of the Legislature are entitled  
9 to receive such compensation, as shall ~~be~~ is established by law;  
10 but no law increasing their compensation shall may take effect  
11 during the existence of the Legislature, ~~which that~~ enacted it.  
12 The expenses of the members of the ~~House of Representatives~~  
13 Legislature in traveling to the Legislature, and returning  
14 ~~therefrom from the Legislature~~, once in each week of each session  
15 and no more, shall must be paid by the State out of the public  
16 treasury to every member, who shall seasonably attend, in the  
17 judgment of the ~~House~~ Legislature, and does not depart ~~therefrom~~  
18 from the Legislature without leave.

19 **Section 8. Members exempt from arrest; freedom of debate.**  
20 The ~~Senators and Representatives shall~~ members of the Legislature  
21 are, in all cases except treason, felony or breach of the peace,  
22 be privileged from arrest during their attendance at, going to,  
23 and returning from each session of the Legislature, and no member  
24 shall ~~be~~ is liable to answer for anything spoken in debate in  
25 either ~~House~~ the Legislature, in any court or place elsewhere.

26  
27 **Constitution, Art. IV, Part Third, §9** is repealed.

28  
29 **Constitution, Art. IV, Part Third, §§10 to 12** are amended to read:

30  
31 **Section 10. Members not to be appointed to certain**  
32 **offices.** No ~~Senator or Representative shall~~ member of the  
33 Legislature may, during the term for which the ~~Senator or~~  
34 ~~Representative shall have~~ member has been elected, be appointed  
35 to any civil office of profit under this State, ~~which that~~  
36 requires the approval of the Legislature for appointment or ~~which~~  
37 shall ~~have~~ that has been created, or the emoluments of which  
38 increased during such that term, except such offices as may be  
39 filled by elections by the people.

40  
41 **Section 11. Persons disqualified to be members.** No member  
42 of Congress, nor person holding any office under the United  
43 States (post officers excepted) nor office of profit under this  
44 State, justices of the peace, notaries public, coroners and  
45 officers of the militia excepted, shall may have a seat in either  
46 ~~House~~ the Legislature while a member of Congress, or continuing  
47 in such office.

2           **Section 12. Adjournments.** Neither--House--shall--during  
3     During the session, without--the--consent--of--the--other, the  
4     Legislature may not adjourn for more than 2 days, nor to any  
5     other place than that in which the Houses--shall--be Legislature is  
6     sitting.

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

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

12           **Section 16. Acts become effective in 90 days after recess;**  
13    **exception; emergency bill defined.** No Act or joint resolution of  
14    the Legislature, except such orders or resolutions as pertain  
15    solely to facilitating the performance of the business of the  
16    Legislature, of--either--branch, or of any committee or officer  
17    thereof, or appropriate money therefor or for the payment of  
18    salaries fixed by law, shall--take takes effect until 90 days  
19    after the recess of the session of the Legislature in which it  
20    was passed, unless in case of emergency, which with the facts  
21    constituting the emergency shall must be expressed in the  
22    preamble of the Act, the Legislature shall, by a vote of 2/3 of  
23    all the members elected--to--each--House, otherwise directs.  
24    An emergency bill shall may include only such measures as are  
25    immediately necessary for the preservation of the public peace,  
26    health or safety; and shall may not include (1) an infringement  
27    of the right of home rule for municipalities, (2) a franchise or  
28    a license to a corporation or an individual to extend longer than  
29    one year, or (3) provision for the sale or purchase or renting  
30    for more than 5 years of real estate.

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

32           **1. Petition procedure.** The electors may propose to the  
33    Legislature for its consideration any bill, resolve or  
34    resolution, including bills to amend or repeal emergency  
35    legislation but not an amendment of the State Constitution, by  
36    written petition addressed to the Legislature or--to--either--branch  
37    thereof and filed in the office of the Secretary of State by the  
38    hour of 5:00 p.m., on or before the 50th day after the date of  
39    convening of the Legislature in first regular session or on or  
40    before the 25th day after the date of convening of the  
41    Legislature in second regular session. If the 50th or 25th day,  
42    whichever applies, is a Saturday, Sunday, or legal holiday, the  
43    period runs until the hour of 5:00 p.m., of the next day which  
44    that is not a Saturday, Sunday, or legal holiday.

2

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

4

**Section 3. Election; votes to be returned to Secretary of State; Secretary of State to lay lists before the Legislature; provision in case of tie.** The meetings for election of Governor shall ~~must~~ be notified ~~announced~~, held and regulated and votes shall ~~must~~ be received, sorted, counted and declared and recorded, in the same manner as those for Senators--and Representatives members of the Legislature. Copies of lists of votes shall ~~must~~ be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators Legislators. 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~~ members of the Legislature 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~~ is a tie between the 2 persons having the largest number of votes for Governor, the ~~House--of Representatives and the Senate~~ members of the Legislature 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~~ Legislature ~~shall be~~ is declared the Governor.

30

Constitution, Art. V, Part First, §§ 8 and 9 are amended to read:

32

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

40

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

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

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

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

16           **Section 9. To give information and recommend measures.** The  
18 Governor shall from time to time give the Legislature information  
of the condition of the State, and recommend to ~~their~~ its  
20 consideration such measures, as the Governor may judge expedient.

22           **Constitution, Art. V, Part First, §§13 to 15 are amended to read:**

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

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

2           ~~Whenever the offices of Governor and President of the Senate~~  
3 ~~are vacant at the same time, the Speaker of the House of~~  
4 ~~Representatives shall assume the office of Governor for the same~~  
5 ~~term and under the same conditions as the President of the Senate,~~

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

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

31  
32           **Section 15. Temporary mental or physical disability of**  
33 **Governor.** Whenever the Governor is unable to discharge the  
34 powers and duties of that office because of mental or physical  
35 disability, ~~the President of the Senate, or if that office is~~  
36 ~~vacant,~~ the Speaker of the House ~~of Representatives,~~ Legislature  
37 shall exercise the powers and duties of the office of Governor  
38 until the Governor is again able to discharge the powers and  
39 duties of that office, or until the office of Governor is  
40 declared to be vacant or until another Governor shall ~~be~~ is duly  
41 qualified.

42  
43           Whenever the Governor is unable to discharge the powers and  
44 duties of that office, the Governor may so certify to the Chief  
45 Justice of the Supreme Judicial Court, in which case, and upon  
46 notice from the Chief Justice, ~~the President of the Senate, or if~~  
47 ~~that office is vacant,~~ the Speaker of the House ~~of~~  
48 ~~Representatives,~~ Legislature shall exercise the powers and duties  
49 of the office of Governor until such time as the Governor shall  
50

2 eertify certifies to the Chief Justice that the Governor is able  
to discharge such powers and duties and the Chief Justice shall  
4 so notify the officer who is exercising the powers and duties of  
the office of Governor.

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

24 Whenever either the ~~President of the Senate or~~ Speaker of  
26 the ~~House of Representatives shall exercise~~ Legislature exercises  
the office of Governor, the officer shall is entitled to receive  
28 only the compensation of Governor, but and the officer's duties  
as ~~President or~~ Speaker shall ~~be~~ are suspended; and the ~~Senate or~~  
30 ~~House~~ Legislature shall fill the vacancy resulting from such  
suspension, until the officer shall ~~cease~~ ceases to exercise the  
32 office of Governor.

34 **Constitution, Art. V, Part Second, §§1, 3 and 4** are amended to read:

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

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

44 **Section 4. Records of executive and legislative**  
46 **departments.** The Secretary of State shall carefully keep and  
preserve the records of all the official acts and proceedings of  
48 the Governor, ~~Senate and House of Representatives~~ and the  
Legislature, and, when required, lay the same before either

2 branch-of the Legislature, and perform such other duties as are  
enjoined by this Constitution, or shall-be are required by law.

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

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

10 **Constitution, Art. VI, §§3 and 4** are amended to read:

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

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

32 **Constitution, Art. VIII, Part First, §1** is amended to read:

34 **Section 1. Legislature shall require towns to support**  
36 **public schools; duty of Legislature.** A general diffusion of the  
advantages of education being essential to the preservation of  
38 the rights and liberties of the people; to promote this important  
object, the Legislature ~~are~~ is authorized, and it shall-be-their  
is its duty to require, the several towns to make suitable  
40 provision, at their own expense, for the support and maintenance  
of public schools; and it shall is further be-their its duty to  
42 encourage and suitably endow, from time to time, as the  
circumstances of the people may authorize, all academies,  
44 colleges and seminaries of learning within the State; provided,  
that no donation, grant or endowment shall may at any time be  
46 made by the Legislature to any literary institution now  
established, or ~~which~~ that may hereafter be established, unless,  
48 at the time of making such endowment, the Legislature of the  
State shall-have has the right to grant any further powers to



alter, limit or restrain any of the powers vested in any such literary institution, as shall-be judged necessary to promote the best interests thereof.

4  
6  
Constitution, Art. IX, §1, 3rd ¶ is amended to read:

8 Administration of oaths to Governor, Legislators and other  
10 officers. The oaths or affirmations shall must be taken and  
12 subscribed by the Governor before the ~~presiding officer of the~~  
14 Senate Speaker of the Legislature, in the presence of ~~both Houses~~  
16 of the Legislature, and by the ~~Senators--and--Representatives~~  
18 members of the Legislature before the Governor and by the residue  
20 of said officers before such persons as shall-be are prescribed  
22 by the Legislature; and whenever the Governor shall is not be  
24 able to attend during the session of the Legislature to take and  
26 subscribe said oaths or affirmations, such oaths or affirmations  
may be taken and subscribed in the recess of the Legislature  
before any Justice of the Supreme Judicial Court and provided  
further that, if the Governor shall-be is unable to appear and  
administer the oath to the ~~Senators--and--Representatives~~ members  
of the Legislature, such oaths shall must 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~~  
the members of the Legislature have been elected.

28  
Constitution, Art. IX, §§4, 5, 11,14, 20 and 21 are amended to read:

30 Section 4. Elections on the first Wednesday after first  
32 Tuesday of January may be adjourned from day to day. In case the  
34 elections, required by this Constitution on the first Wednesday  
36 after the first Tuesday of January biennially, by ~~the 2-Houses of~~  
38 ~~the Legislature,~~ shall are 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~~ Legislature  
must first be filled; and the Governor shall must then be  
elected, if there be no choice by the people.

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

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

10           **Section 14. Authority and procedure for issuance of bonds.**  
The credit of the State shall may not be directly or indirectly  
12           loaned in any case, except as provided in sections 14-A, 14-B,  
14-C and 14-D. The Legislature shall may not create any debt or  
14           debts, or liability or liabilities, on behalf of the State, which  
shall that singly, or in the aggregate, with previous debts and  
16           liabilities hereafter incurred at any one time, exceed  
\$2,000,000, except to suppress insurrection, to repel invasion,  
18           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  
20           they are made; and excepting also that whenever 2/3 of both  
~~Heuses--shall--deem~~ the members of the Legislature consider it  
22           necessary, by proper enactment ratified by a majority of the  
electors voting thereon at a general or special election, the  
24           Legislature may authorize the issuance of bonds on behalf of the  
State at such times and in such amounts and for such purposes as  
26           approved by such action; but this shall may not be construed to  
refer to any money that has been, or may be deposited with this  
28           State by the Government of the United States, or to any fund  
which that the State shall--~~hold~~ holds in trust for any Indian  
30           tribe. Whenever ratification by the electors is essential to the  
validity of bonds to be issued on behalf of the State, the  
32           question submitted to the electors shall must be accompanied by a  
statement setting forth the total amount of bonds of the State  
34           outstanding and unpaid, the total amount of bonds of the State  
authorized and unissued, and the total amount of bonds of the  
36           State contemplated to be issued if the enactment submitted to the  
electors be is ratified. For any bond authorization requiring  
38           ratification of the electors pursuant to this section, if any  
bonds have not been issued within 5 years of the date of  
40           ratification, then those bonds may not be issued after that  
date. Within 2 years after expiration of that 5-year period, the  
42           Legislature may extend, by a majority vote, the 5-year period for  
an additional 5 years or may deauthorize the bonds. If the  
44           Legislature fails to take action within those 2 years, the bond  
issue shall--~~be~~ is considered to be deauthorized and no further  
46           bonds may be issued. For any bond authorization in existence on  
November 6, 1984, and for which the 5-year period following  
48           ratification has expired, no further bonds may be issued unless  
the Legislature, by November 6, 1986, reauthorizes those bonds by  
50           a majority vote, for an additional 5-year period, failing which

2 all bonds unissued under those authorizations shall--be are  
3 considered to be deauthorized. Temporary loans to be paid out of  
4 moneys raised by taxation during any fiscal year shall may not  
5 exceed in the aggregate during the fiscal year in question an  
6 amount greater than 10% of all the moneys appropriated,  
7 authorized and allocated by the Legislature from undedicated  
8 revenues to the General Fund and dedicated revenues to the  
9 Highway Fund for that fiscal year, exclusive of proceeds or  
10 expenditures from the sale of bonds, or greater than 1% of the  
11 total valuation of the State of Maine, whichever is the lesser.

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

18 **Section 21. State mandates.** For the purpose of more fairly  
19 apportioning the cost of government and providing local property  
20 tax relief, the State may not require a local unit of government  
21 to expand or modify that unit's activities so as to necessitate  
22 additional expenditures from local revenues unless the State  
23 provides annually 90% of the funding for these expenditures from  
24 State state funds not previously appropriated to that local unit  
25 of government. Legislation implementing this section or  
26 requiring a specific expenditure as an exception to this  
27 requirement may be enacted upon the vote of 2/3 of all members  
28 elected--to--each--House of the Legislature. This section must be  
29 liberally construed.

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

32 **Section 4. Amendments to Constitution.** The Legislature,  
33 whenever 2/3 of both--Houses--shall--deem its members consider it  
34 necessary, may propose amendments to this Constitution; and when  
35 any amendments shall--be are so agreed upon, a resolution shall  
36 must be passed and sent to the selectmen municipal officers of  
37 the several towns, and the assessors of the several plantations,  
38 empowering and directing them to notify the inhabitants of their  
39 respective towns and plantations, in the manner prescribed by  
40 law, at the next biennial meetings in the month of November, or  
41 to meet in the manner prescribed by law for calling and holding  
42 biennial meetings of said inhabitants for the election of  
43 ~~Senators--and--Representatives~~ members of the Legislature, on the  
44 Tuesday following the first Monday of November following the  
45 passage of said ~~resolve~~ resolution, to give in their votes on the  
46 question, whether such amendment shall should be made; and if it  
47 shall--appear appears that a majority of the inhabitants voting on  
48 the question are in favor of such amendment, it shall--be--~~come~~  
49 becomes a part of this Constitution.

52 ; and be it further

