

# MAINE STATE LEGISLATURE

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R.S.

L.D. 1187

DATE: 3/1/94

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MINORITY  
STATE & LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 873, L.D. 1187, "RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution"

Amend the resolution by striking out everything after the title and before the statement of fact and inserting in its place the following:

**Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there are 2 methods to alter the Constitution of Maine: individual amendments proposed by the Legislature subject to ratification by the people; and a constitutional convention called by the Legislature for the purpose of revising the Constitution; and

**Whereas,** the constitutional convention method offers the better opportunity to effect comprehensive change in the Constitution of Maine; and

**Whereas,** there is significant public interest in making comprehensive changes in our basic governing document, the Constitution of Maine; and

**Whereas,** it is necessary for the Legislature to immediately approve legislation calling a constitutional convention in order for constitutional revision to be accomplished in a timely manner; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of

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2 Maine and require the following legislation as immediately  
3 necessary for the preservation of the public peace, health and  
4 safety; and

6 **Preamble.** The Legislature having the power under Article  
7 IV, Part Third, Section 15 of the Constitution of Maine, upon a  
8 two-thirds concurrent vote of both houses, to call a  
9 constitutional convention; now, therefore, be it

10 **Sec. 1. Constitutional convention called. Resolved:** That there is  
11 called a constitutional convention for the purpose of revising  
12 and amending the Constitution of Maine.

14 **1. Delegates.** The convention consists of 302 delegates. A  
15 person who holds any of the following positions on the date of  
16 the election of delegates or has held any of the positions within  
17 one year preceding that date may not serve as a delegate to the  
18 convention: Governor, Legislator, candidate for election to the  
19 Legislature or to the office of Governor, sitting or active  
20 retired Justice of the Supreme Judicial Court, sitting or active  
21 retired Justice of the Superior Court, sitting or active retired  
22 Judge of the District Court, officer chosen by the Legislature  
23 under the Constitution or the laws of the State or a major  
24 policy-influencing position listed in the Maine Revised Statutes,  
25 Title 5, sections 932 to 953-A. Delegates are entitled to  
26 legislative per diem as defined in Title 3, section 2 for each  
27 day's attendance at the convention and to reimbursement for  
28 travel and other necessary expenses incurred while performing  
29 convention duties.

30 **2. Charge; limitation.** The convention is charged to review  
31 and analyze the Constitution of Maine and to draft a resolution  
32 or resolutions proposing revisions to the Constitution of Maine  
33 that the convention determines necessary. The convention may  
34 recommend alterations to the Constitution of Maine, Articles II  
35 to X and may recommend additional articles necessary to effect  
36 desirable changes in the fundamental structure and organization  
37 of State Government. The convention may not recommend  
38 alterations or otherwise affect any rights enumerated in Article  
39 I.

40 **3. Conduct of the convention.** The convention shall convene  
41 in Augusta on January 17, 1995 for up to 5 days to hold  
42 organizational and planning meetings. The first meeting of the  
43 convention must be called jointly by the President of the Senate  
44 and the Speaker of the House of Representatives. Following the  
45 organizational and planning meetings, the convention shall recess  
46 and reconvene not sooner than March 15, 1995 at a time and place  
47 designated by the presiding officer of the convention to conduct  
48 its deliberations. By August 1, 1995, the convention shall  
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2 complete its deliberations and report the results to the  
Governor, the Secretary of State, the President of the Senate and  
4 the Speaker of the House of Representatives.

6 The convention shall choose its officers and adopt necessary  
rules of procedure. The convention has full power over the  
8 proceedings of the convention, including the discipline of its  
delegates, and may provide for compensation of its employees,  
10 printing of journals and other documents and recording of its  
debates. The convention may contract for staff assistance and  
12 may request assistance from the executive, judicial and  
legislative branches and from the Secretary of State, the  
14 Treasurer of State and the Attorney General. The operation of  
the convention is subject to the Maine Revised Statutes, Title 1,  
16 chapter 13, subchapter I, freedom of access laws, and to the  
lobbyist disclosure procedures described in Title 3, chapter 15  
18 in the same manner as the operation of the Legislature.

20 **4. Ratification of convention recommendations.** Any  
revision or amendment to the Constitution of Maine recommended by  
the convention must be ratified by a majority of the electors  
22 voting at a statewide election held November 7, 1995. The  
convention may prescribe the organization of the ballot and the  
24 question or questions to be submitted to the electors for  
ratification. The Legislature may, by a 2/3 vote in each house,  
26 propose an amended version, a substitute or another  
recommendation to the proposals of the convention. If the  
28 Legislature recommends a competing measure, that measure must be  
submitted to the electors together with the recommendations of  
30 the convention in such a way that the people can choose between  
the competing measures or reject both. The Secretary of State  
32 shall prepare appropriate ballots for submission of the question  
for ratification to the qualified electors of this State; and be  
34 it further

36 **Sec. 2. Procedures for election of delegates. Resolved:** That the  
delegates to the constitutional convention must be elected by  
38 nonpartisan ballot at the general election in November 1994. At  
the election, the voters of each House of Representatives  
40 district shall elect 2 delegates to the constitutional  
convention. Nomination for placement on the ballot is by  
42 petition filed with the Secretary of State by August 1, 1994. At  
least 200 but not more than 350 signatures are necessary for  
44 placement on the ballot. The convention is the sole judge of  
questions regarding the election of delegates. The laws related  
46 to the nomination and regular election of candidates for the  
House of Representatives apply to the nomination and election of  
48 candidates for the constitutional convention, except as otherwise  
provided in this resolution; and be it further

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**Sec. 3. Public approval of convention call; referendum in conjunction with June primary; form of referendum question. Resolved:** That the Legislature's call of a constitutional convention under the Constitution of Maine, Article IV, Part Third, Section 15 must be submitted to the legal voters of the State for approval at a referendum held in conjunction with the primary election in June 1994.

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The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the statewide primary election held in June 1994, to vote on the acceptance or rejection of this resolution by voting on the following question:

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"Do you favor the holding of a constitutional convention for the purpose of proposing limited revisions to the Constitution of Maine?"

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The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the question, the Governor shall proclaim that fact without delay and the resolution calling a constitutional convention takes effect immediately; and be it further

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**Sec. 4. Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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**Emergency clause.** In view of the emergency cited in the preamble, this resolution takes effect when approved.

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**FISCAL NOTE**

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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 116th Legislature. The estimated cost to the Secretary of State if one to 6 referenda are enacted is \$95,000. Each additional referendum costs an additional \$7,000.

If this resolution is approved by the voters, the office of the Secretary of State will require a General Fund appropriation of \$105,000 in fiscal year 1994-95 to cover the expenses of printing ballots and personnel costs to assist in the preparation for delegate elections.

The Legislature will also require a General Fund appropriation to cover costs associated with the constitutional convention. The per diem and expenses of delegates will require approximately \$31,710 for each day of deliberations. If delegates meet for approximately 100 meetings, the delegate costs could exceed \$3,100,000. This total cost, as well as the cost of staffing the convention and significant operational costs can not be determined at this time.'

### STATEMENT OF FACT

This amendment to the resolution calls a constitutional convention for the purpose of proposing limited revisions in the Constitution of Maine. The calling of the convention requires approval by the voters at a referendum held during the June 1994 primary. Any revisions proposed by the convention must be ratified by the voters at a statewide referendum election. The Legislature is authorized to submit a competing measure for voter approval at that time.

The convention is composed of 2 nonpartisan delegates elected from each House District. The Governor, Legislators, candidates for those offices, judges and justices of the state courts, Constitutional officers and other persons serving in major policy-influencing positions are not eligible to serve as delegates. To be listed on the ballot a candidate must file petitions with a total of 200 to 350 signatures. Election of delegates is at the November 1994 general election.

The convention convenes for up to 5 days in January 1995 for administrative and planning activities. Following a recess until March 15, 1995, the convention reconvenes to conduct its deliberations. The convention must complete its business and issue a report to the Governor, the Secretary of State and the Legislature by August 1, 1995. Any revisions proposed in the Constitution of Maine require ratification by the voters at a statewide election in November 1995.

The convention is prohibited from altering or otherwise affecting the basic rights of Maine citizens enumerated in Article I of the Constitution of Maine. The convention may propose changes it determines advisable in Articles II to X and may suggest the addition of new articles.

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The convention has complete authority over the selection of its leaders, adoption of rules of procedure, use of its budget and administration of its affairs, including resolution of contested elections and discipline of its delegates. The convention is subject to the freedom of access laws and lobbyist disclosure procedures.

This amendment also adds a fiscal note.