

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1196

H.P. 882

House of Representatives, April 6, 1993

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Members in the House of Representatives and Create a Unicameral Legislature.

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 MICHAEL of Auburn.
Cosponsored by Senator CAREY of Kennebec and
Representatives: ADAMS of Portland, BAILEY of Township 27, BARTH of Bethel, BOWERS of Washington, COFFMAN of Old Town, DEXTER of Kingfield, DiPIETRO of South Portland, FITZPATRICK of Durham, GOULD of Greenville, GRAY of Sedgwick, HUSSEY of Milo, KERR of Old Orchard Beach, KONTOS of Windham, KUTASI of Bridgton, LEMONT of Kittery, LORD of Waterboro, PFEIFFER of Brunswick, PLOURDE of Biddeford, POULIOT of Lewiston, RICHARDSON of Portland, TRACY of Rome, VIGUE of Winslow, WINN of Glenburn, YOUNG of Limestone, Senator: HARRIMAN of Cumberland.

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

6 **PART A**

8 Constitution, Art. IV, Part First, §2 is amended to read:

10 **Section 2. Number of Representatives; biennial terms;**
11 **division of the State into districts for House of**
12 **Representatives.** The House of Representatives shall--~~consist~~
13 consists of ~~151~~ 141 members, to be elected by the qualified
14 electors, and hold their office 2 years from the day next
preceding the first Wednesday in December following the general
15 election. The Legislature which convenes its Second Regular
16 Session in ~~1983~~ and every 10th year thereafter 1994 shall cause
the State to be divided into districts for the choice of one
17 Representative for each district. The number of Representatives
shall must be divided into the number of inhabitants of the State
18 exclusive of foreigners not naturalized according to the latest
Federal Decennial Census or a State Census previously ordered by
20 the Legislature to coincide with the Federal Decennial Census, to
determine a mean population figure for each Representative
21 District. Each Representative District shall must be formed of
contiguous and compact territory and shall cross political
22 subdivision lines the least number of times necessary to
establish as nearly as practicable equally populated districts.
23 Whenever the population of a municipality entitles it to more
than one district, all whole districts shall must be drawn within
24 municipal boundaries. Any population remainder within the
municipality shall must be included in a district with contiguous
25 territory and shall must be kept intact.

34 **PART B**

36 Constitution, Art. III, §1 is amended to read:

38 **Section 1. Qualifications of electors; written ballot;**
39 **members of armed forces; students.** Every citizen of the United
40 States of the age of 18 years and upwards, excepting persons
under guardianship for reasons of mental illness, having his-~~or~~
41 her a residence established in this State, shall-be is an elector
for Governor, and Senators and-Representatives, in the city, town
42 or plantation where his-~~or-her~~ that person's residence has been
established, if he-~~or-she~~ that person continues to reside in this
43 State; and the elections shall must be by written ballot. But
persons in the military, naval or marine service of the United
44 States, or this State, shall are not be considered as having
obtained such established residence by being stationed in any
45 garrison, barrack or military place, in any city, town or

2 plantation; nor shall does the residence of a student at any
3 seminary of learning entitle the student to the right of suffrage
4 in the city, town or plantation where such seminary is
5 established. No person, however, shall-be is deemed to have lost
6 residence by reason of the person's absence from the state in the
7 military service of the United States, or of this State.

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

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

20 **Constitution, Art. III, §§1 and 2** are amended to read:

22 **Section 1. Powers distributed.** The powers of this
23 government shall-be are divided into 3 distinct departments
24 branches, the legislative, executive and judicial.

26 **Section 2. To be kept separate.** No person or persons,
27 belonging to one of these departments branches, shall ~~may~~
28 exercise any of the powers properly belonging to either of the
29 others, except in the cases herein expressly directed or
30 permitted.

32 **Constitution, Art. IV, Part First** is repealed.

34 **Constitution, Art. IV, Part Second, 3rd line** is repealed and the
35 following enacted in its place:

38 **Legislative Branch.**

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

42 **Constitution, Art. IV, Part Second, §§1-A and 1-B** are enacted to
43 read:

46 **Section 1-A. Legislative branch.** Commencing with the first
47 regular session of the Legislature in December 2000, the
48 legislative authority of the State is vested in a legislature
49 consisting of one chamber called the Senate, but the people
50 reserve to themselves power to propose laws and enact or reject

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

24 At the beginning of each first regular session, the Senate
25 shall elect from its membership a presiding officer, known as the
26 President of the Senate.

27 Section 1-B. Number of Senators. Beginning with the
28 elections held in November 2000, the Senate consists of 141
29 members who are elected by the qualified electors and serve terms
30 of 2 years from the day next preceding the first Wednesday in
31 December following a general election. The Senate that convenes
32 in 1998, in 2002 and every 10th year thereafter shall cause the
33 State to be divided into districts for the choice of one member
34 of the Senate for each district. The number of Senators must be
35 divided into the number of inhabitants of the State exclusive of
36 foreigners not naturalized according to the latest Federal
37 Decennial Census or a state census previously ordered by the
38 Legislature to coincide with the Federal Decennial Census to
39 determine a median population figure for each member district.
40 Each Senate District must be formed of continuous and compact
41 territory and cross political subdivision lines the least number
42 of times necessary to establish as nearly as practicable equally
43 populated districts. Whenever the population of a municipality
44 entitles it to more than one district, all whole districts must
45 be drawn within municipal boundaries. Any population remainder
46 within the municipality must be included in a district drawn to
47 cross the municipal boundary, provided that the population
48 remainder of the municipality is contiguous to another
49 municipality or municipalities included in the district.
50

2 Constitution, Art. IV, Part Second, §§2, 3, 6 and 7 are repealed and
the following enacted in their place:

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

21
22 In the event that the Senate fails to make an apportionment
23 within 130 calendar days after convening, the Supreme Judicial
24 Court shall, within 60 days following the period in which the
25 Senate is required to act, but fails to do so, make the
26 apportionment. In making such apportionment, the Supreme
27 Judicial Court shall take into consideration plans and briefs
28 filed by the public with the court during the first 30 days of
29 the period in which the court is required to apportion.

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

35
36 Section 3. Election of Senators; lists of votes delivered
37 forthwith; lists of votes examined by Governor; summons of
38 persons who appear to be elected; lists laid before the Senate.
39 The meetings within this State for the choice of Senators must be
40 warned in due course of law by qualified officials of the several
41 towns and cities 7 days at least before the election, and the
42 election officials of the various towns and cities shall preside
43 impartially at these meetings, receive the votes of all the
44 qualified electors, and sort, count and declare them in open
45 meeting; and a list of the persons voted for must be formed with
46 the number of votes for each person against that person's name.
47 Cities and towns belonging to any district shall hold their
48 meetings at the same time in the respective cities and towns; and
49 the meetings must be announced, held and regulated, and the votes
50 received, sorted, counted and declared in the same manner. Fair

2 copies of the lists of votes must be attested by the municipal
3 officers and the clerks of the cities and towns and the city and
4 town clerks respectively shall cause the same to be delivered
5 into the office of the Secretary of State forthwith.

6 Section 6. Residency requirement. No person may be a
7 Senator, unless the person, at the commencement of the period for
8 which the person is elected, has been 5 years a citizen of the
9 United States, has reached the age of 21 years, has been a
10 resident in this State one year; and for the 3 months next
11 preceding the time of this person's election has been, and,
12 during the period for which elected, continues to be a resident
13 in the district that that person represents.

14 No person may be a candidate for election as a member of the
15 Senate unless, at the time of the nomination for placement on the
16 primary, general or special election ballot, that person is a
17 resident in the district that the candidate seeks to represent.

18 Section 7. Power of impeachment. The Senate has the power
19 to try all impeachments and, when sitting for that purpose, must
20 be on oath or affirmation, and a person may not be convicted
21 without the concurrence of 2/3 of the members present. The
22 judgment of the Senators, however, may not extend farther than to
23 removal from office and disqualification to hold or enjoy any
24 office of honor, trust or profit in this State. The party,
25 whether convicted or acquitted, is nevertheless liable to
26 indictment, trial, judgment and punishment according to law.

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

28 Section 1. To meet annually; power of Senate to convene
29 itself at other times; extent of legislative power. The
30 Legislature ~~Senate~~ shall convene on the first Wednesday of
31 December following the general election in what shall--be ~~is~~
32 designated the first regular session of the Legislature; and
33 shall further convene on the first Wednesday after the first
34 Tuesday of January in the subsequent even-numbered year in what
35 shall--be ~~is~~ designated the second regular session of the
36 Legislature; provided, however, that the business of the second
37 regular session of the Legislature shall--be ~~is~~ limited to
38 budgetary matters; legislation in the Governor's call;
39 legislation of an emergency nature admitted by the ~~Legislature~~
40 ~~Senate~~; legislation referred to committees for study and report
41 by the ~~Legislature~~ ~~Senate~~ in the first regular session; and
42 legislation presented to the ~~Legislature~~ ~~Senate~~ by written
43 petition of the electors under the provisions of Article IV, Part
44 Third, Section 18. The ~~Legislature~~ ~~Senate~~ shall enact
45 appropriate statutory limits on the length of the first regular
46 session.

2 session and of the second regular session. The Legislature
3 Senate may convene at such other times on the call of the
4 President of the Senate and ~~Speaker of the House~~, with the
5 consent of a majority of the ~~Members of the Legislature~~ Senators
6 of each political party, all ~~Members of the Legislature~~ Senators
7 having been first polled. The Legislature Senate, with the
8 exceptions hereinafter stated, has the full power to make and
9 establish all reasonable laws and regulations for the defense and
10 benefit of the people of this State, not repugnant to this
11 Constitution, nor to that of the United States.

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

24 The commission shall ~~be~~ is composed of 3 5 members from the
25 political party holding the largest number of seats in the House
26 of ~~Representatives~~ Senate, who shall ~~be~~ are appointed by the
27 ~~Speaker~~ President of the Senate; 3 5 members from the political
28 party holding the majority of the remainder of the seats in the
29 ~~House of Representatives~~ Senate, who shall ~~be~~ are appointed by
30 the floor leader of that party in the House Senate; ~~2 members of~~
31 ~~the party holding the largest number of seats in the Senate, who~~
32 ~~shall be appointed by the President of the Senate; 2 members of~~
33 ~~the political party holding the majority of the remainder of the~~
34 ~~seats in the Senate, to be appointed by the floor leader of that~~
35 ~~party in the Senate; the chairperson~~ chair of each of the 2 major
36 political parties in the State or their designated
37 representatives; and 3 members from the public generally, one to
38 be selected by each group of members of the commission
39 representing the same political party, and the third to be
40 selected by the other 2 public members. The ~~Speaker of the House~~
41 ~~shall be~~ President of the Senate is responsible for organizing
42 the commission and shall ~~be~~ is chairperson is chair pro tempore
43 thereof until a permanent chairperson chair is selected by the
44 commission members from among their own number. No action may be
45 taken without a quorum of 8 being present. The commission shall
46 hold public hearings on any plan for apportionment prior to
47 submitting such plan to the Legislature.

48
49 Public members of the commission shall ~~receive~~ are entitled
50 to the same rate of per diem that is paid to Legislators Senators

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

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

48 **Section 3. The Senate is the judge of its elections;**
49 **majority, a quorum.** ~~Each House shall be~~ The Senate is the judge

2 of the elections and qualifications of its own members, and a
majority shall--constitute constitutes a quorum to do business;
4 but a smaller number may adjourn from day to day, and may compel
the attendance of absent members, in such manner and under such
6 penalties as each-House-shall-~~provide~~ the Senate provides.

8 **Section 4. May punish and expel members.** Each-House The
Senate may determine the rules of its proceedings, punish its
members for disorderly behavior, and, with the concurrence of
10 2/3, expel a member, but not a 2nd time for the same cause.

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

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

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

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

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

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

Section 10. Members not to be appointed to certain offices. No Senator ~~or Representative shall~~ may, during the term for which the Senator ~~or Representative shall have~~ has been elected, be appointed to any civil office of profit under this State, ~~which that~~ requires the approval of the Legislature Senate for appointment or ~~which shall have~~ that has been created, or the emoluments of which increased during ~~such~~ that 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 ~~may~~ have a seat in either ~~House~~ the Senate while a member of Congress, or continuing in such office.

Section 12. Adjournments. ~~Neither House shall during~~ During the session, ~~without the consent of the other, the Senate~~ may not adjourn for more than 2 days, nor to any other place than that in which the ~~Houses shall be~~ Senate is sitting.

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

Section 15. Constitutional conventions. The Legislature shall Senate, by a 2/3 ~~concurrent~~ vote of ~~both branches~~, have has 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 Senate, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature Senate, ~~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~~ takes 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 must be expressed in the preamble of the Act, the Legislature ~~shall~~ Senate, by a vote of 2/3 of all the members ~~elected to each House~~, otherwise ~~direct~~ directs. An emergency bill shall may include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall may 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

2 extend longer than one year, or (3) provision for the sale or
purchase or renting for more than 5 years of real estate.

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

6 1. **Petition procedure.** The electors may propose to the
Legislature Senate for its consideration any bill, resolve or
8 resolution, including bills to amend or repeal emergency
legislation but not an amendment of the State Constitution, by
10 written petition addressed to the ~~Legislature or to either branch~~
~~thereof~~ Senate and filed in the office of the Secretary of State
12 by the hour of 5:00 p.m., on or before the 50th day after the
date of convening of the Legislature Senate in first regular
14 session or on or before the 25th day after the date of convening
of the Legislature Senate in second regular session. If the 50th
16 or 25th day, whichever applies, is a Saturday, Sunday, or legal
holiday, the period runs until the hour of 5:00 p.m., of the next
18 day which that is not a Saturday, Sunday, or legal holiday.

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

22 **Section 3. Election; votes to be returned to Secretary of**
State; Secretary of State to lay lists before the Senate;
24 **provision in case of tie.** The meetings for election of Governor
shall must be notified announced, held and regulated and votes
26 shall must be received, sorted, counted and declared and
recorded, in the same manner as those for Senators and
28 Representatives. Copies of lists of votes shall must be sealed
and returned to the secretary's office in the same manner and at
30 the same time as those for Senators. The Secretary of State for
the time being shall, on the first Wednesday after the first
32 Tuesday of January then next, lay the lists returned to the
secretary's office before the Senate and ~~House of Representatives~~
34 to be by ~~them~~ it examined, together with the ballots cast if ~~they~~
the Senate so elect elects, and ~~they~~ the Senate shall determine
36 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
38 shall declare and publish the same. If there shall ~~be~~ is a tie
between the 2 persons having the largest number of votes for
40 Governor, the ~~House of Representatives and the~~ Senate meeting in
joint session, and each member of ~~said bodies~~ having a single
42 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
44 ~~House of Representatives shall be~~ is declared the Governor.

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

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

9
10 **Procedure for confirmation.** The procedure for confirmation
11 shall ~~be~~ is as follows: an appropriate legislative committee
12 ~~comprised of members of both houses in reasonable proportion to~~
13 ~~their membership as provided by law shall recommend~~ recommends
14 confirmation or denial by majority vote of committee members
15 present and voting. The committee recommendation shall ~~be~~ is
16 reviewed by the Senate and upon review shall ~~become~~ becomes final
17 action of confirmation or denial unless the Senate by vote of 2/3
18 of those members present and voting overrides the committee
19 recommendation. The Senate vote shall ~~be~~ is by the yeas and nays.

20 **Affirmative vote of 2/3 of members required.** All statutes
21 enacted to carry out the purposes of the second paragraph of this
22 section shall require the affirmative vote of 2/3 of the members
23 of each ~~House~~ the Senate present and voting.

24 **Governor or President may call Senate into session.** Either
25 the Governor or the President of the Senate shall ~~have~~ has the
26 power to call the Senate into session for the purpose of voting
27 upon confirmation of appointments.

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

31
32 **Section 9. To give information and recommend measures.** The
33 Governor shall from time to time give the Legislature Senate
34 information of the condition of the State, and recommend to ~~their~~
35 its consideration such measures, as the Governor may judge
36 expedient.

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38
39 **Constitution, Art. V, Part First, §§13 to 15 are amended to read:**

40
41 **Section 13. Convene the Legislature on extraordinary**
42 **occasions; may change the place of meeting.** The Governor may, on
43 extraordinary occasions, convene the Legislature Senate; and in
44 ~~ease of disagreement between the 2 Houses with respect to the~~
45 ~~time of adjournment, adjourn them to such time, as the Governor~~
46 ~~shall think proper, not beyond the day of the next regular~~
47 session; and, if, since the last adjournment, the place where the
48 Legislature Senate were next to convene shall ~~have~~ has become

2 dangerous from an enemy or contagious sickness, may direct the
3 session to be held at some other convenient place within the
4 State.

6 **Section 14. Vacancy, how supplied.** Whenever the office of
7 Governor shall--become becomes vacant because of the death,
8 resignation or removal of a Governor in office, or any other
9 cause, the President of the Senate shall assume the office of
10 Governor until another Governor shall-be is duly qualified. When
11 the vacancy occurs more than 90 days preceding the date of the
12 primary election for nominating candidates to be voted for at the
13 biennial election next succeeding, the President of the Senate
14 shall assume the office of Governor until the first Wednesday
15 after the first Tuesday of January following the biennial
16 election. At the biennial election, a Governor shall must be
17 elected to fill the unexpired term created by the vacancy. When
18 the vacancy occurs less than 90 days preceding the date of a
19 primary election, the President of the Senate shall fill the
20 unexpired term.

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

26 Whenever the offices of Governor, and President of the
27 Senate and ~~Speaker of the House of Representatives~~ are vacant at
28 the same time, the person acting as Secretary of State for the
29 time being shall exercise the office of Governor and shall
30 forthwith by proclamation convene the Senate and ~~the House of~~
31 ~~Representatives,~~ which shall fill respectively the vacancies
32 vacancy in the ~~offices~~ office of the President of the Senate and
33 ~~the Speaker of the House,~~ and by ~~joint ballot of the Senators and~~
34 ~~Representatives in convention~~ choose a person who shall assume
35 the office of Governor for the same term and under the same
36 conditions as the President of the Senate.

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

2 Section 15. Temporary mental or physical disability of
3 Governor. Whenever the Governor is unable to discharge the
4 powers and duties of that office because of mental or physical
5 disability, the President of the Senate, ~~or if that office is~~
6 ~~vacant, the Speaker of the House of Representatives,~~ shall
7 exercise the powers and duties of the office of Governor until
8 the Governor is again able to discharge the powers and duties of
9 that office, or until the office of Governor is declared to be
10 vacant or until another Governor shall ~~be~~ is duly qualified.

11
12 Whenever the Governor is unable to discharge the powers and
13 duties of that office, the Governor may so certify to the Chief
14 Justice of the Supreme Judicial Court, in which case, and upon
15 notice from the Chief Justice, the President of the Senate, ~~or if~~
16 ~~that office is vacant, the Speaker of the House of~~
17 ~~Representatives,~~ shall exercise the powers and duties of the
18 office of Governor until such time as the Governor shall ~~certify~~
19 certifies to the Chief Justice that the Governor is able to
20 discharge such powers and duties and the Chief Justice shall so
21 notify the officer who is exercising the powers and duties of the
22 office of Governor.

23
24 When the Secretary of State shall ~~have~~ has reason to believe
25 that the Governor is unable to discharge the duties of that
26 office, the Secretary of State may so certify to the Supreme
27 Judicial Court, declaring the reason for such belief. After
28 notice to the Governor, a hearing before the court and a decision
29 by a majority of the court that the Governor is unable to
30 discharge the duties of the office of Governor, the court shall
31 notify the President of the Senate, ~~or if that office is vacant~~
32 ~~the Speaker of the House of Representatives,~~ of such inability
33 and that officer shall exercise the functions, powers and duties
34 of the office of Governor until such time as the Secretary of
35 State or the Governor shall ~~certify~~ certifies to the court that
36 the Governor is able to discharge the duties of the office of
37 Governor and the court, after notice to the Governor and a
38 hearing before the court, decides that the Governor is able to
39 discharge the duties of that office and so notifies the officer
40 who is exercising the powers and duties of the office of Governor.

41
42 Whenever either the President of the Senate ~~or Speaker of~~
43 ~~the House of Representatives shall exercise~~ exercises the office
44 of Governor, the officer shall is entitled to receive only the
45 compensation of Governor, but and the officer's duties as
46 President ~~or Speaker shall be~~ are suspended; and the Senate ~~or~~
47 ~~House shall fill the vacancy resulting from such suspension,~~
48 until the officer shall ~~cease~~ ceases to exercise the office of
Governor.

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

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

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

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

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

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

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

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

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

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

2 **Section 1. Senate shall require towns to support public**
3 **schools; duty of Senate.** A general diffusion of the advantages
4 of education being essential to the preservation of the rights
5 and liberties of the people; to promote this important object,
6 the Legislature-are Senate is authorized, and it shall-be-their
7 is its duty to require, the several towns to make suitable
8 provision, at their own expense, for the support and maintenance
9 of public schools; and it shall is further be-their its duty to
10 encourage and suitably endow, from time to time, as the
11 circumstances of the people may authorize, all academies,
12 colleges and seminaries of learning within the State; provided,
13 that no donation, grant or endowment shall may at any time be
14 made by the Legislature Senate to any literary institution now
15 established, or which that may hereafter be established, unless,
16 at the time of making such endowment, the Legislature Senate of
17 the State shall-have has the right to grant any further powers to
18 alter, limit or restrain any of the powers vested in any such
19 literary institution, as shall-be judged necessary to promote the
20 best interests thereof.

21 **Constitution, Art. IX, §1, 3rd ¶ is amended to read:**

22 **Administration of oaths to Governor, Senators and other**
23 **officers.** The oaths or affirmations shall must be taken and
24 subscribed by the Governor before the presiding officer of the
25 Senate, in the presence of-both-Houses of the Legislature Senate,
26 and by the Senators and-Representatives before the Governor and
27 by the residue of said officers before such persons as shall-be
28 are prescribed by the Legislature Senate; and whenever the
29 Governor shall is not be able to attend during the session of the
30 Legislature Senate to take and subscribe said oaths or
31 affirmations, such oaths or affirmations may be taken and
32 subscribed in the recess of the Legislature Senate before any
33 Justice of the Supreme Judicial Court and provided further that,
34 if the Governor shall-be is unable to appear and administer the
35 oath to the Senators and-Representatives, such oaths shall must
36 be administered by the Chief Justice of the Supreme Judicial
37 Court or, in the absence of the Chief Justice, by the senior
38 Associate Justice of said Supreme Judicial Court present at the
39 State Capitol on the first day of the term for which said the
40 Senators and-Representatives-shall have been elected.

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

42 **Section 4. Elections on the first Wednesday after first**
43 **Tuesday of January may be adjourned from day to day.** In case the
44 elections, required by this Constitution on the first Wednesday
45 after the first Tuesday of January biennially, by-the-2-Houses-of
46 the-Legislature,-shall are not be completed on that day, the same

2 may be adjourned from day to day, until completed, in the
following order: The vacancies in the Senate shall must first be
4 filled; and the Governor shall must then be elected, if there be
no choice by the people.

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

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

24 **Section 14. Authority and procedure for issuance of bonds.**
26 The credit of the State shall may not be directly or indirectly
loaned in any case, except as provided in sections 14-A, 14-B,
28 14-C and 14-D. The Legislature ~~shall~~ Senate may not create any
debt or debts, or liability or liabilities, on behalf of the
30 State, ~~which--shall~~ that singly, or in the aggregate, with
previous debts and liabilities hereafter incurred at any one
32 time, exceed \$2,000,000, except to suppress insurrection, to
repel invasion, or for purposes of war, and except for temporary
34 loans to be paid out of money raised by taxation during the
fiscal year in which they are made; and excepting also that
36 whenever 2/3 of ~~both Houses shall deem~~ the members of the Senate
consider it necessary, by proper enactment ratified by a majority
38 of the electors voting thereon at a general or special election,
the Legislature Senate may authorize the issuance of bonds on
40 behalf of the State at such times and in such amounts and for
such purposes as approved by such action; but this shall may not
42 be construed to refer to any money that has been, or may be
deposited with this State by the Government of the United States,
44 or to any fund which that the State shall ~~held~~ holds in trust for
any Indian tribe. Whenever ratification by the electors is
46 essential to the validity of bonds to be issued on behalf of the
State, the question submitted to the electors shall must be
48 accompanied by a statement setting forth the total amount of
bonds of the State outstanding and unpaid, the total amount of
50 bonds of the State authorized and unissued, and the total amount

2 of bonds of the State contemplated to be issued if the enactment
3 submitted to the electors be is ratified. For any bond
4 authorization requiring ratification of the electors pursuant to
5 this section, if any bonds have not been issued within 5 years of
6 the date of ratification, then those bonds may not be issued
7 after that date. Within 2 years after expiration of that 5-year
8 period, the Legislature Senate may extend, by a majority vote,
9 the 5-year period for an additional 5 years or may deauthorize
10 the bonds. If the Legislature Senate fails to take action within
11 those 2 years, the bond issue ~~shall--be~~ is considered to be
12 deauthorized and no further bonds may be issued. For any bond
13 authorization in existence on November 6, 1984, and for which the
14 5-year period following ratification has expired, no further
15 bonds may be issued unless the Legislature Senate, by November 6,
16 1986, reauthorizes those bonds by a majority vote, for an
17 additional 5-year period, failing which all bonds unissued under
18 those authorizations ~~shall--be~~ are considered to be deauthorized.
19 Temporary loans to be paid out of moneys raised by taxation
20 during any fiscal year shall may not exceed in the aggregate
21 during the fiscal year in question an amount greater than 10% of
22 all the moneys appropriated, authorized and allocated by the
23 Legislature Senate from undedicated revenues to the General Fund
24 and dedicated revenues to the Highway Fund for that fiscal year,
25 exclusive of proceeds or expenditures from the sale of bonds, or
26 greater than 1% of the total valuation of the State of Maine,
whichever is the lesser.

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

34 **Section 21. State mandates.** For the purpose of more fairly
35 apportioning the cost of government and providing local property
36 tax relief, the State may not require a local unit of government
37 to expand or modify that unit's activities so as to necessitate
38 additional expenditures from local revenues unless the State
39 provides annually 90% of the funding for these expenditures from
40 State state funds not previously appropriated to that local unit
41 of government. Legislation implementing this section or
42 requiring a specific expenditure as an exception to this
43 requirement may be enacted upon the vote of 2/3 of all members
44 elected ~~to each House~~ of the Senate. This section must be
liberally construed.

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

48 **Section 4. Amendments to Constitution.** The Legislature
50 Senate, whenever 2/3 of both ~~Houses--shall--deem~~ its members

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

18 ; and be it further

20 **Constitutional referendum procedure; form of question; effective**
21 **date. Resolved:** That the municipal officers of this State shall
22 notify the inhabitants of their respective cities, towns and
23 plantations to meet, in the manner prescribed by law for holding
24 a statewide election, at a statewide election, on the Tuesday
25 following the first Monday of November following the passage of
26 this resolution, to vote upon the ratification of the amendment
27 proposed in this resolution by voting upon the following question:

28 "Do you favor amending the Constitution of Maine to
29 establish a 2-stage process for consolidation of the
30 Legislature in which the House of Representatives is reduced
31 to 141 members in 1994, and in 2000 to abolish the Senate
32 and the House of Representatives and replace them with a
33 Senate of 141 members?"
34

35 The legal voters of each city, town and plantation shall
36 vote by ballot on this question and designate their choice by a
37 cross or check mark placed within the corresponding square below
38 the word "Yes" or "No." The ballots must be received, sorted,
39 counted and declared in open ward, town and plantation meetings
40 and returns made to the Secretary of State in the same manner as
41 votes for members of the Legislature. The Governor shall review
42 the returns and, if it appears that a majority of the legal votes
43 are cast in favor of the amendment, the Governor shall proclaim
44 that fact without delay and the amendment becomes part of the
45 Constitution on the date of the proclamation; and be it further
46

47 **Secretary of State shall prepare ballots. Resolved:** That the
48 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; and be it further

Effective date; application. Resolved: That Part A of this resolution takes effect upon ratification by the voters and proclamation by the Governor, and requires reapportionment in 1994 in order to elect a 141-member House of Representatives in 1994. Part B of this resolution takes effect on December 6, 2000, and applies to Legislatures beginning with the First Regular Session of the 121st Legislature.

STATEMENT OF FACT

This resolution proposes to amend the Constitution of Maine in a 2-step process. For the 1994 elections, the House of Representatives is reduced to 141 members. Then, for the 2000 elections, the Senate and the House of Representatives are abolished and replaced by a unicameral Legislature, known as the Senate, of 141 members.