

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 931

H.P. 680

House of Representatives, March 21, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Establish a Contractual Obligation for Members of the Maine State
Retirement System.**

Reference to the Committee on Labor suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Representative JACQUES of Waterville, Senator CASSIDY of Washington
and
Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne,
BAILEY of Township 27, BENEDIKT of Brunswick, BERRY of Livermore, BOUFFARD of
Lewiston, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford,
CAMPBELL of Holden, CHARTRAND of Rockland, CHASE of China, CLARK of
Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, DAGGETT of Augusta,
DAMREN of Belgrade, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of
Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn,
DRISCOLL of Calais, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of
Brewer, FITZPATRICK of Durham, GATES of Rockport, GOOLEY of Farmington, GOULD
of Greenville, GREEN of Monmouth, GREENLAW of Standish, GWADOSKY of Fairfield,
HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, JOHNSON of
South Portland, JONES of Bar Harbor, JOSEPH of Waterville, KEANE of Old Town, KERR
of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of
Windham, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook,
LEMONT of Kittery, LUTHER of Mexico, MADORE of Augusta, MARTIN of Eagle Lake,

Additional cosponsors on next page

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MAYO of Bath, McELROY of Unity, MERES of Norridgewock, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, O'GARA of Westbrook, PENDLETON of Scarborough, PERKINS of Penobscot, POULIN of Oakland, POVICH of Ellsworth, REED of Dexter, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROTONDI of Madison, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, STEDMAN of Hartland, STROUT of Corinth, TOWNSEND of Portland, TREAT of Gardiner, TRUE of Fryeburg, TRUMAN of Biddeford, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: BENOIT of Franklin, BERUBE of Androscoggin, BUSTIN of Kennebec, CAREY of Kennebec, CLEVELAND of Androscoggin, ESTY of Cumberland, FAIRCLOTH of Penobscot, FERGUSON of Oxford, LAWRENCE of York, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, STEVENS of Androscoggin.

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

6 **Constitution, Art. IX, §24** is enacted to read:

8 **Sec. 24. Maine State Retirement System.** Teacher or state
9 employee membership in a pension or retirement system of the
10 State is an enforceable contractual relationship, the benefits of
11 which may not be diminished or impaired.

12 ; and be it further

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

24 "Do you favor amending the Constitution of Maine to provide
25 contractual protection of retirement benefits for public
26 employees?"

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

40 **Secretary of State shall prepare ballots. Resolved:** That the
41 Secretary of State shall prepare and furnish to each city, town
42 and plantation all ballots, returns and copies of this resolution
43 necessary to carry out the purpose of this referendum.
44

STATEMENT OF FACT

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4 This resolution establishes a contractual relationship
6 between the State and public employees for pension benefits that
8 may not be diminished or impaired. Pension benefits may be
 diminished only for public employees hired after the effective
 date of a law diminishing benefits.

8