

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1194

H.P. 863

House of Representatives, April 4, 1995

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

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.

Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BENEDIKT of Brunswick, BUNKER of Kossuth Township, CLARK of Millinocket, DEXTER of Kingfield, GERRY of Auburn, GOULD of Greenville, HATCH of Skowhegan, KERR of Old Orchard Beach, LaFOUNTAIN of Biddeford, MARTIN of Eagle Lake, NADEAU of Saco, O'NEAL of Limestone, SIROIS of Caribou, TRIPP of Topsham, TUTTLE of Sanford, WINN of Glenburn, Senators: CIANCHETTE of Somerset, ESTY of Cumberland, HARRIMAN of Cumberland, LORD of York, MILLS of Somerset, RUHLIN of Penobscot, STEVENS of Androscoggin.

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, first ¶** is amended to read:

8 **Section 1. Qualifications of electors; written ballot;**
members of armed forces; students. Every citizen of the United
States of the age of 18 years and upwards, excepting persons
10 under guardianship for reasons of mental illness, having ~~his-er~~
~~her~~ a residence established in this State, shall-be is an elector
12 for Governor,--~~Senators and Representatives, members of the~~
~~Legislature~~ in the city, town or plantation where ~~his-er-her~~ that
14 person's residence has been established, if ~~he-er-she~~ that person
continues to reside in this State; and the elections shall ~~must~~
16 be by written ballot. But persons in the military, naval or
marine service of the United States, or this State, shall ~~are~~ not
18 be considered as having obtained such established residence by
being stationed in any garrison, barrack or military place, in
20 any city, town or plantation; nor shall ~~does~~ the residence of a
student at any seminary of learning entitle the student to the
22 right of suffrage in the city, town or plantation where such
seminary is established. No person, however, ~~shall-be is~~ deemed
24 to have lost residence by reason of the person's absence from the
state in the military service of the United States, or of this
26 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, §9** is enacted to read:

42 **Section 9. Operation of Part.** The provisions of this Part
44 that conflict with Part Fourth are of no effect and this Part is
repealed upon the convening of the Legislature in December 2002.

46 **Constitution, Art. IV, Part Second, §9** is enacted to read:

48 **Section 9. Operation of Part.** The provisions of this Part
50 that conflict with Part Fourth are of no effect and this Part is
repealed upon the convening of the Legislature in December 2002.

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

Section 1. To meet annually; power of Legislature to convene itself at other times; extent of legislative power. The Legislature shall convene on the first Wednesday of December following the general election in what ~~shall-be~~ is designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what ~~shall--be~~ is designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature ~~shall--be~~ is limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in 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 before December 4, 2002, on the call of the Presiding Officer of the Legislature on or after December 4, 2002, 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.

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

The commission ~~shall--be~~ is composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who ~~shall--be~~ are appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who ~~shall~~ be are appointed by the floor leader of that party in the House; 2 members of the party holding the largest number of seats in the

Senate, who ~~shall--be~~ are appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the ~~chairperson~~ 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~~ 3rd 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 An action may not be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such that plan to the Legislature.

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

This section does not apply on or after December 4, 2002.

Section 2. Bills to be signed by the Governor; proceedings, in case the Governor disapproves; allowing the Governor 10 days 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~~ which has passed both Houses before December 4, 2002, or the Legislature on or after December 4, 2002, shall must be presented to the Governor, ~~and if~~ and if the Governor approves, the Governor shall sign it; ~~if not, Before~~ if not, Before December 4, 2002, if the Governor does not approve and sign the measure, the Governor shall return it with objections to the House in which it ~~shall have~~ originated, which shall enter the objections at large on its ~~journals,~~ journal and proceed to

reconsider it. If after such reconsideration, 2/3 of that House shall-agree agrees to pass it, it shall be sent together with the objections, to the other House, by which it shall be reconsidered, and, if approved by 2/3 of 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 Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall must be entered on the journals of both Houses respectively. On or after December 4, 2002, if the Governor does not approve and sign the measure, the Governor shall return it with objections to the Legislature, which shall enter the objections at large on its journal and proceed to reconsider it. If, after reconsideration, 2/3 of the Legislature agrees to pass it, it has the same effect as if it had been signed by the Governor; but in all such cases, the votes of the Legislature must be taken by yeas and nays and the names of the persons voting for and against the bill or resolution, must be entered on the journal. If the bill or resolution shall is not be returned by the Governor within 10 days (Sundays excepted) after it shall-have has been presented to the Governor, it shall-have has the same force and effect as if the Governor had signed it unless the Legislature by their its adjournment prevent prevents its return, in which case it shall-have has such that same force and effect, unless returned within 3 days after the next meeting of the same Legislature which that enacted the bill or resolution; and, if there is no such next meeting of the Legislature which that enacted the bill or resolution, the bill or resolution shall does not be-a become law.

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 a majority shall-constitute constitutes a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each-House the Legislature shall provide.

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 2/3 of its members, expel a member, but not a 2nd time for the same cause.

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 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 ~~journals~~ journal.

2 **Section 6. May punish for contempt.** ~~Each--House~~ The
3 Legislature, during its session, may punish by imprisonment any
4 person, not a member, for disrespectful or disorderly behavior in
5 its presence, for obstructing any of its proceedings,
6 threatening, assaulting or abusing any of its members for
7 anything said, done, or doing in ~~either-House~~ the Legislature;
8 provided, that no imprisonment shall may extend beyond the period
9 of the same session.

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

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

29 **Constitution, Art. IV, Part Third, §9** is amended by adding at the
30 end the following:

31 This section does not apply on or after December 4, 2002.

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

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

42 **Section 11. Persons disqualified to be members.** No member
43 of Congress, nor person holding any office under the United
44 States (post officers excepted) nor office of profit under this
45 State, justices of the peace, notaries public, coroners and

officers of the militia excepted, shall may have a seat in either
House the Legislature 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
Legislature may not adjourn for more than 2 days, nor to any
other place than that in which the ~~Houses--shall--be~~ Legislature is
sitting.

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

Section 15. Constitutional conventions. The Legislature
shall, by a 2/3 concurrent vote of both branches or, on or after
December 4, 2002, by a 2/3 vote of the Legislature, ~~--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, except such orders or resolutions as pertain
solely to facilitating the performance of the business of the
Legislature, ~~--of--either--branch,~~ or of any committee or officer
thereof, or appropriate money ~~therefor~~ or for the payment of
salaries fixed by law, shall ~~--take~~ takes effect until 90 days
after the recess of the session of the Legislature in which it
was passed, unless in case of emergency, in which ~~with~~ case the
facts constituting the emergency shall must be expressed in the
preamble of the Act, the Legislature shall, by a vote of 2/3 of
all the members ~~elected--to--each--House,~~ or, on or after December
4, 2002, by a 2/3 vote of those elected to the Legislature
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 extend longer than one year, or (3) provision
for the sale or purchase or renting for more than 5 years of real
estate.

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

1. Petition procedure. The electors may propose to the
Legislature for its consideration any bill, resolve or
resolution, including bills to amend or repeal emergency
legislation but not an amendment of the State Constitution, by
written petition addressed to the Legislature ~~or--to--either--branch~~
~~thereof~~ and filed in the office of the Secretary of State by the
hour of 5:00 p.m., on or before the 50th day after the date of

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

Constitution, Art. IV, Part Fourth is enacted to read:

Article IV

Part Fourth

Unicameral Legislature

Section 1. Legislative department; style of Acts.

Notwithstanding Part First and Part Second, beginning with the first regular session of the Legislature that convenes in December 2002, the legislative authority of the State is vested in a Legislature consisting of one chamber, but the people reserve to themselves power to propose laws and enact or reject the same at the polls independent of the Legislature and reserve the power to approve or reject at the polls any Act, bill, resolve or resolution proposed by the Legislature and the style of the laws and Acts must be "Be it enacted by the People of the State of Maine." All authority vested by the Constitution or laws of the State in the Senate, House of Representatives or joint session of those Houses, insofar as applicable, is vested in the one-chamber Legislature. All provisions in the laws of the State relating to the Legislature, the Senate and House of Representatives, joint sessions of the Senate and House of Representatives, Senators or members of the House of Representatives, insofar as such provisions are applicable, apply to and mean the one-chamber Legislature established by this section. All references to Clerk of the House of Representatives or Secretary of the Senate mean, when applicable, Clerk of the Legislature. All references to the Speaker of the House of Representatives or President of the Senate mean the Presiding Officer of the Legislature. When any provision of the Constitution or the law requires the submission of any matter to or action by the House of Representatives, the Senate or joint session of those Houses, or the members of either body or both, after December 2002, that provision is amended to mean and must be construed to refer to the one-chamber Legislature.

At the beginning of each first regular session the Legislature shall elect from its membership a presiding officer.

Section 2. Number of members. The Legislature consists of 101 members who are elected by the qualified electors and serve terms of 2 years from the day next preceding the first Wednesday in December following a general election. The Legislature that

2 convenes in the year 2000 and every 10th year thereafter shall
3 cause the State to be divided into districts for the choice of
4 one member for each district. The number of members must be
5 divided into the number of inhabitants of the State exclusive of
6 foreigners not naturalized according to the latest Federal
7 Decennial Census or a state census previously ordered by the
8 Legislature to coincide with the Federal Decennial Census to
9 determine a median population figure for each member district.
10 Each member district must be formed of continuous and compact
11 territory and cross political subdivision lines the least number
12 of times necessary to establish as nearly as practicable equally
13 populated districts. If the population of a municipality
14 entitles it to more than one district, all whole districts must
15 be drawn within municipal boundaries. Any population remainder
16 within the municipality must be included in a district drawn to
17 cross the municipal boundary, provided that the population
18 remainder of the municipality is contiguous to another
19 municipality or municipalities included in the district.

20 Section 3. Legislature to establish Apportionment
21 Commission; number of quorum; compensation of commission members;
22 commission's budget; division among political parties. A
23 Legislature that is required to apportion the districts of the
24 Legislature under this Part, Section 2 shall establish, within
25 the first 3 calendar days after the convening of that
26 Legislature, a commission to develop a plan for apportioning the
27 Legislature in accordance with the requirements of this
28 Constitution.

30 The commission is composed of 5 members from the political
31 party holding the largest number of seats in the Legislature, who
32 are appointed by the President; 5 members from the political
33 party holding the majority of the remainder of the seats in the
34 Legislature, who are appointed by the floor leader of that party
35 in the Legislature; the chair of each of the 2 major political
36 parties in the State or their designated representatives; and 3
37 members from the public generally, one selected by each group of
38 members of the commission representing the same political party
39 and the 3rd selected by the other 2 public members. The
40 Presiding Officer of the Legislature is responsible for
41 organizing the commission and is chair pro tempore until a
42 permanent chair is selected by the commission members from among
43 their own number. An action may not be taken without a quorum of
44 8 being present. The commission shall hold public hearings on
45 any plan for apportionment prior to submitting such a plan to the
46 Legislature.

48 Public members of the commission are entitled to the same
49 rate of per diem that is paid to Legislators for every day's
50 attendance at special sessions of the Legislature as defined by
51 law. All members of the commission are reimbursed for actual
52 travel expenses incurred in carrying out the business of the

commission. The Legislature that is required to apportion shall establish a budget for the apportioning commission within the state budget document in the fiscal year previous to the fiscal year during which the apportioning commission is required to convene and shall appropriate sufficient funds for the commission to satisfactorily perform its duties and responsibilities. The budget must include sufficient funds to compensate the chair of the commission and the chair's staff. The remainder of the appropriation 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.

Section 4. Submission of reapportionment plan to Clerk of the Legislature; Legislature's action on commission's plan. The apportionment plan of the commission established under this Part, Section 3 must be submitted to the Clerk of the Legislature no later than 120 calendar days after the convening of the Legislature in which apportionment is required. In the preparation of legislation implementing the plan, the commission, following a unanimous decision by 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 within 30 calendar days after the plan of the commission is submitted. Such action is subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature fails to make an apportionment within 130 calendar days after convening, the Supreme Judicial Court, within 60 days following the period in which the Legislature is required to act but fails to do so, shall make the apportionment. In making such an 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.

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

Section 5. Residency requirement; age. A person may not be a member of the Legislature unless the person at the commencement of the period for which the person is elected has been 5 years a citizen of the United States, has reached the age of 21 years, has been a resident in this State one year and for the 3 months next preceding the time of the person's election has been and, during the period for which elected, continues to be a resident in the district that the person represents.

2 A person may not be a candidate for election as a member of
3 the Legislature unless, at the time of the nomination for
4 placement on the primary, general or special election ballot,
5 that person is a resident in the district that the candidate
6 seeks to represent.

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

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

44 **Section 8. Vacancies.** Whenever the seat of a member of the
45 Legislature is vacated by death, resignation or otherwise, the
46 vacancy may be filled by a new election.

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

2 **Section 3. Election; votes to be returned to Secretary of**
3 **State; Secretary of State to lay lists before the Legislature;**
4 **provision in case of tie.** The meetings for election of Governor
5 shall must be notified announced, held and regulated and votes
6 shall must be received, sorted, counted and declared and
7 recorded, in the same manner as those for ~~Senators--and~~
8 ~~Representatives~~ members of the Legislature. Copies of lists of
9 votes shall must be sealed and returned to the secretary's office
10 in the same manner and at the same time as those for ~~Senators~~
11 ~~Legislators~~. The Secretary of State for the time being shall, on
12 the first Wednesday after the first Tuesday of January then next,
13 lay the lists returned to the secretary's office before the
14 ~~Senate-and-House-of-Representatives~~ members of the Legislature to
15 be by them examined, together with the ballots cast if they so
16 elect, and they shall determine the number of votes duly cast for
17 the office of Governor, and in case of a choice by plurality of
18 all of the votes returned they shall declare and publish the
19 same. If there ~~shall-be~~ is a tie between the 2 persons having
20 the largest number of votes for Governor, the ~~House--of~~
21 ~~Representatives-and-the-Senate~~ members of the Legislature meeting
22 in ~~joint~~ session, and each member ~~of-said-bodies~~ having a single
23 vote, shall elect one of ~~said~~ the 2 persons having so received an
24 equal number of votes and the person so elected by the ~~Senate-and~~
25 ~~House--of-Representatives--shall-be~~ Legislature is declared the
26 Governor.

27 **Constitution, Art. V, Part First, §8** is amended by inserting after
28 the headnote the following:

29 This section applies to appointments made before December 4, 2002.

30 **Constitution, Art. V, Part First, §8-A** is enacted to read:

31 **Section 8-A. To appoint officers.** This section applies to
32 appointments made on or after December 4, 2002. The Governor
33 shall nominate and, subject to confirmation as provided in this
34 section, appoint all judicial officers except judges of probate
35 and justices of the peace if their manner of selection is
36 otherwise provided for by this Constitution or by law and all
37 other civil and military officers whose appointment is not by
38 this Constitution or is not by law otherwise provided for.

39 **Procedure for confirmation.** The procedure for confirmation
40 is an appropriate legislative committee recommendation or denial
41 by majority vote of committee members present and voting. The
42 committee recommendation is reviewed by the Legislature and upon
43 review becomes final action of confirmation or denial unless the
44 Legislature by vote of 2/3 of those members present and voting
45 overrides the committee recommendation. The vote must be by the
46 yeas and nays.

2 Affirmative vote of 2/3 of members required. All laws to
3 carry out the purposes of this section require the affirmative
4 vote of 2/3 of the members of the Legislature present and voting.

6 Governor or Presiding Officer may call Legislature into
7 session. Either the Governor or the Presiding Officer of the
8 Legislature has the power to call the Legislature into session
9 for the purpose of voting upon confirmation of appointments.

10 Nomination by Governor made 7 days prior to appointment of
11 nominee. Every nomination by the Governor must be made 7 days
12 prior to appointment of the nominee.

14 **Constitution, Art. V, Part First, §13 is amended to read:**

16 **Section 13. Convene the Legislature on extraordinary**
17 **occasions; may change the place of meeting.** The Governor may, on
18 extraordinary occasions, convene the Legislature, and, until
19 December 4, 2002, in case of disagreement between the 2 Houses,
20 with respect to the time of adjournment, adjourn them to such
21 time, as the Governor shall think determines proper, not beyond
22 the day of the next regular session, and, if, since the last
23 adjournment, the place where the Legislature were next to convene
24 shall have has become dangerous from an enemy or contagious
25 sickness, may direct the session to be held at some other
26 convenient place within the State.

28 **Constitution, Art. V, Part First, §14 is amended by inserting**
29 **after the headnote the following:**

30 This section applies to vacancies before December 4, 2002.

32 **Constitution, Art. V, Part First, §14-A is enacted to read:**

34 **Section 14-A. Vacancy; how supplied.** This section applies
35 to vacancies on or after December 4, 2002. If the office of
36 Governor becomes vacant because of the death, resignation or
37 removal of a Governor in office or any other cause, the Presiding
38 Officer of the Legislature shall assume the office of Governor
39 until another Governor is duly qualified. When the vacancy
40 occurs more than 90 days preceding the date of the primary
41 election for nominating candidates to be voted for at the
42 biennial election next succeeding, the Presiding Officer of the
43 Legislature shall assume the office of Governor until the first
44 Wednesday after the first Tuesday of January following the
45 biennial election. At the biennial election, a Governor must be
46 elected to fill the unexpired term created by the vacancy. When
47 the vacancy occurs less than 90 days preceding the date of a
48 primary election, the President of the Senate shall fill the
49 unexpired term.
50

2 If the offices of Governor and Presiding Officer of the
3 Legislature are vacant at the same time, the person acting as
4 Secretary of State at that time shall exercise the office of
5 Governor and by proclamation convene the Legislature and the
6 Legislature shall fill the vacancy in the office of the Presiding
7 Officer of the Legislature and choose a person who shall assume
8 the office of Governor for the same term and under the same
9 conditions as the Presiding Officer of the Legislature.

10 **Mental or physical disability of the Governor continuously**
11 **for more than 6 months.** If for more than 6 months a Governor in
12 office has been continuously unable to discharge the powers and
13 duties of that office because of mental or physical disability,
14 the office of Governor is deemed vacant. The vacancy must be
15 declared by the Supreme Judicial Court upon presentment to it of
16 a resolution declaring the reason for the vacancy, adopted by a
17 vote of 2/3 of the members of the Legislature, and upon notice,
18 and a hearing before the court and a decision by a majority of
19 the court that reason exists for declaring the office vacant.

20 **Constitution, Art. V, Part First, §15** is amended by inserting
21 after the headnote the following:

22 This section applies to vacancies before December 4, 2002.

23 **Constitution, Art. V, Part First, §15-A** is enacted to read:

24 **Section 15-A. Temporary mental or physical disability of**
25 **Governor.** This section applies on or after December 4, 2002.
26 If the Governor is unable to discharge the powers and duties of
27 the office of Governor because of mental or physical disability,
28 the Presiding Officer of the Legislature shall exercise the
29 powers and duties of the office of Governor until the Governor is
30 again able to discharge the powers and duties of that office or
31 until the office of Governor is declared vacant or until another
32 Governor is duly qualified.

33 If the Governor is unable to discharge the powers and duties
34 of that office, the Governor may so certify to the Chief Justice
35 of the Supreme Judicial Court, and upon notice from the Chief
36 Justice, the Presiding Officer of the Legislature shall exercise
37 the powers and duties of the office of Governor until such time
38 as the Governor certifies to the Chief Justice that the Governor
39 is able to discharge those powers and duties and the Chief
40 Justice shall so notify the officer who is exercising the powers
41 and duties of the office of Governor.

42 When the Secretary of State has reason to believe that the
43 Governor is unable to discharge the duties of that office, the
44 Secretary of State may so certify to the Supreme Judicial Court
45 declaring the reason for such a belief. After notice to the
46 Governor, a hearing before the court and a decision by a majority
47 of the court shall be held.

of the court that the Governor is unable to discharge the duties of the office of Governor, the court shall notify the Presiding Officer of the Legislature of that inability and that officer shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor certifies to the court that the Governor is able to discharge the duties of the office of Governor and the court, after notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of that office and so notifies the officer who is exercising the powers and duties of the office of Governor.

If the Presiding Officer of the Legislature exercises the office of Governor, the officer is entitled to receive only the compensation of Governor and the officer's duties as Presiding Officer of the Legislature are suspended and the Legislature shall fill the vacancy resulting from that suspension until the officer ceases to exercise the office of Governor.

Constitution, Art. V, Part Second, §1-A is enacted to read:

Section 1-A. Election. Beginning December 4, 2002, the Secretary of State is chosen biennially by ballot at the first session of the Legislature.

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

Section 3. Attend the Governor and Legislature. The Secretary of State shall attend the Governor, ~~Senate and House of Representatives and the Legislature,~~ 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, ~~Senate and House of Representatives and the Legislature,~~ and, when required, lay the same before either ~~branch of~~ the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be are required by law.

Constitution, Art. V, Part Third, §1-B is enacted to read:

Section 1-B. Election. Beginning December 4, 2002, the Treasurer is chosen biennially by ballot at the first session of the Legislature.

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,
Senate or, before December 4, 2002, the 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 or by the Senate on or after December 4, 2002 to the executive, ~~provided further~~ except that justices of the peace may be removed from office in such manner as the Legislature 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. IX, §1, 3rd ¶ is amended to read:

Administration of oaths to Governor, Legislators and other officers. The oaths or affirmations shall must be taken and subscribed by the Governor before the presiding officer of the Senate, in the presence ~~of both Houses~~ of the Legislature, and by the ~~Senators--and--Representatives~~ members of the Legislature before the Governor and by the residue of said officers before such persons as shall ~~be~~ are prescribed by the Legislature; and whenever the Governor shall is not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, any 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, any 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 the 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.

Constitution, Art. IX, §§4 and 5 are amended to read:

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

2 **Section 5. Removal by impeachment or address.** Every person
3 holding any civil office under this State, may be removed by
4 impeachment, for misdemeanor in office, and every person holding
5 any office, may be removed by the Governor on the address of both
6 branches of the Legislature or, on or after December 4, 2002, of
7 the Legislature. But before such the address ~~shall pass either~~
8 House passes the Legislature, the causes of removal ~~shall~~ must be
9 stated and entered on the journal of the House in which it
10 originated or, on or after December 4, 2002, of the Legislature,
11 and a copy thereof of the bill of causes served on the person in
12 office, that the person may be admitted to a hearing in that
person's own defense.

14 **Constitution, Art. IX, §11-A** is enacted to read:

16 **Section 11-A. Attorney General.** Beginning December 4,
17 2002, the Attorney General is chosen biennially by ballot of the
18 members of the Legislature. A vacancy in that office occurring
19 when the Legislature is not in session may be filled by
20 appointment by the Governor, subject to confirmation as required
21 by this Constitution for Justices of the Supreme Judicial Court.

22 **Constitution, Art. IX, §§14, 20, 21 and 23** are amended to read:

24 **Section 14. Authority and procedure for issuance of bonds.**
26 The credit of the State ~~shall may~~ not be directly or indirectly
27 loaned in any case, except as provided in sections 14-A, 14-B,
28 14-C and 14-D. The Legislature ~~shall may~~ not create any debt or
29 debts, liability or liabilities, on behalf of the State, ~~which~~
30 ~~shall that~~ singly, or in the aggregate, with previous debts and
31 liabilities hereafter incurred at any one time, exceed
32 \$2,000,000, except to suppress insurrection, to repel invasion,
33 or for purposes of war, and except for temporary loans to be paid
34 out of money raised by taxation during the fiscal year in which
35 they are made; and excepting also that whenever 2/3 of both
36 Houses ~~shall deem~~ determine or, on or after December 4, 2002, 2/3
37 of the Legislature determines it necessary, by proper enactment
38 ratified by a majority of the electors voting ~~thereon~~ at a
39 general or special election, the Legislature may authorize the
40 issuance of bonds on behalf of the State at such times and in
41 such amounts and for such purposes as approved by such an action;
42 but this ~~shall may~~ not be construed to refer to any money that
43 has been, or may be deposited with this State by the Government
44 of the United States, or to any fund ~~which that~~ the State ~~shall~~
45 held holds in trust for any Indian tribe. Whenever ratification
46 by the electors is essential to the validity of bonds to be
47 issued on behalf of the State, the question submitted to the
48 electors ~~shall must~~ be accompanied by a statement setting forth
49 the total amount of bonds of the State outstanding and unpaid,
50 the total amount of bonds of the State authorized and unissued,
and the total amount of bonds of the State contemplated to be

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

Section 20. Mining Excise Tax Trust Fund. The principal
amount of the Mining Excise Tax Trust Fund or any successor fund
may not be expended unless the expenditure is approved in a
separate measure by a 2/3 vote of all the members elected to each
~~House of the Legislature or, on or after December 4, 2002, by 2/3~~
vote of the elected Legislature and by the Governor.

Section 21. State mandates. For the purpose of more fairly
apportioning the cost of government and providing local property
tax relief, the State may not require a local unit of government
to expand or modify that unit's activities so as to necessitate
additional expenditures from local revenues unless the State
provides annually 90% of the funding for these expenditures from
~~State~~ state funds not previously appropriated to that local unit
of government. Legislation implementing this section or
requiring a specific expenditure as an exception to this
requirement may be enacted upon the vote of 2/3 of all members
~~elected to each House of the Legislature or, on or after December~~
4, 2002, by 2/3 vote of the elected Legislature. This section
must be liberally construed.

Sec. 23. State park land. State park land, public lots or
other real estate held by the State for conservation or
recreation purposes and designated by legislation implementing
this section may not be reduced or its uses substantially altered
except on the vote of 2/3 of all the members elected to each

House ~~or, on or after December 4, 2002, the Legislature.~~ The
proceeds from the sale of such land must be used to purchase
additional real estate in the same county for the same purposes.

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

Section 4. Amendments to Constitution. The Legislature,
whenever 2/3 of both Houses ~~shall-deem determine or, on or after~~
~~December 4, 2002, 2/3 of the Legislature determines~~ it necessary,
may propose amendments to this Constitution, and when any
amendments ~~shall-be are~~ so agreed upon, a resolution ~~shall must~~
be passed and sent to the ~~selectmen~~ municipal officers of the
several towns, and the assessors of the several plantations,
empowering and directing them to notify the inhabitants of their
respective towns and plantations, in the manner prescribed by
law, at the next biennial meetings in the month of November, or
to meet in the manner prescribed by law for calling and holding
biennial meetings of said ~~those~~ inhabitants for the election of
~~Senators-and-Representatives~~ members of the Legislature, on the
Tuesday following the first Monday of November following the
passage of said ~~resolve the resolution~~, to give in their votes on
the question, whether such an amendment ~~shall should~~ be made;
and, if it ~~shall--appear~~ appears that a majority of the
inhabitants voting on the question are in favor of such an
amendment, it ~~shall-be-come~~ becomes a part of this Constitution.

; and be it further

**Constitutional referendum procedure; form of question; effective
date. Resolved:** That 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 a statewide election, on the Tuesday
following the first Monday of November following the passage of
this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to repeal
the Senate and the House of Representatives and to replace
them with a single-house Legislature of 101 members?"

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 amendment, the Governor shall proclaim

2 that fact without delay and the amendment becomes part of the
Constitution on the date of the proclamation; and be it further

4 **Secretary of State shall prepare ballots. Resolved:** That the
Secretary of State shall prepare and furnish to each city, town
6 and plantation all ballots, returns and copies of this resolution
necessary to carry out the purpose of this referendum.
8

10 **STATEMENT OF FACT**

12 This resolution amends the Constitution of Maine to abolish
the Senate and the House of Representatives and replaces them
14 with a unicameral Legislature made up of 101 members. This
reduction requires a reapportionment plan by the Legislature that
16 convenes in December 2000, so that the Legislature elected in
November 2002 is unicameral.