

MAINE STATE LEGISLATURE

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Legislative Document

No. 1424

H.P. 1000

House of Representatives, April 7, 2009

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VALENTINO of Saco.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: ADAMS of Portland, MARTIN of Eagle Lake, PENDLETON of
Scarborough, SCHATZ of Blue Hill, SMITH of Monmouth, TREAT of Hallowell, TUTTLE of
Sanford, Senator: MILLS of Somerset.

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

4 **Constitution, Art. II, §1, first ¶** is amended to read:

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

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

21 **Section 4. Time of state election; absentee voting.** The election of ~~Senators~~
22 ~~and Representatives shall be~~ members of the Legislature is on the Tuesday following
23 the first Monday of November biennially forever and the election of Governor shall
24 be on the Tuesday following the first Monday of November every 4 years. The
25 Legislature under proper enactment shall authorize and provide for voting by citizens
26 of the State absent therefrom in the Armed Forces of the United States or of this State
27 and for voting by other citizens absent or physically incapacitated for reasons deemed
28 sufficient.

29 **Constitution, Art. IV, Pt. First, §9** is enacted to read:

30 **Section 9. Operation of Part.** The provisions of this Part that conflict with Part
31 Fourth are of no effect and this Part is repealed upon the convening of the Legislature
32 in December 2014.

33 **Constitution, Art. IV, Pt. Second, §9** is enacted to read:

34 **Section 9. Operation of Part.** The provisions of this Part that conflict with Part
35 Fourth are of no effect and this Part is repealed upon the convening of the Legislature
36 in December 2014.

37 **Constitution, Art. IV, Pt. Third, §§1 to 7** are amended to read:

38 **Section 1. To meet annually; power of Legislature to convene itself at other**
39 **times; extent of legislative power.** The Legislature shall convene on the first

1 Wednesday of December following the general election in what ~~shall be~~ is designated
2 the first regular session of the Legislature; and shall further convene on the first
3 Wednesday after the first Tuesday of January in the subsequent even-numbered year
4 in what ~~shall be~~ is designated the second regular session of the Legislature; provided,
5 however, that the business of the second regular session of the Legislature ~~shall be~~ is
6 limited to budgetary matters; legislation in the Governor's call; legislation of an
7 emergency nature admitted by the Legislature; legislation referred to committees for
8 study and report by the Legislature in the first regular session; and legislation
9 presented to the Legislature by written petition of the electors under the provisions of
10 Article IV, Part Third, Section 18. ~~The Before December 3, 2014, the Legislature~~
11 ~~shall enact appropriate statutory limits on the length of the first regular session and of~~
12 ~~the second regular session. The Legislature may convene at such other times on the~~
13 ~~call of the President of the Senate and Speaker of the House, with the consent of a~~
14 ~~majority of the Members members of the Legislature of each political party, all~~
15 ~~Members members of the Legislature having been first polled. On and after~~
16 ~~December 3, 2014, the Legislature may convene at such other times on the call of the~~
17 ~~Presiding Officer of the Legislature, with the consent of a majority of the Senators of~~
18 ~~each political party, all Senators having been first polled.~~ The Legislature, with the
19 exceptions hereinafter stated, ~~shall have~~ has the full power to make and establish all
20 reasonable laws and regulations for the defense and benefit of the people of this State,
21 not repugnant to this Constitution, nor to that of the United States.

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

30 The commission ~~shall be~~ is composed of 3 members from the political party
31 holding the largest number of seats in the House of Representatives, who ~~shall be~~ are
32 appointed by the Speaker; 3 members from the political party holding the majority of
33 the remainder of the seats in the House of Representatives, who ~~shall be~~ are
34 appointed by the floor leader of that party in the House; 2 members of the party
35 holding the largest number of seats in the Senate, who ~~shall be~~ are appointed by the
36 President of the Senate; 2 members of the political party holding the majority of the
37 remainder of the seats in the Senate, to be appointed by the floor leader of that party
38 in the Senate; the ~~chairperson~~ chair of each of the 2 major political parties in the State
39 or their designated representatives; and 3 members from the public generally, one to
40 be selected by each group of members of the commission representing the same
41 political party, and the ~~third~~ 3rd to be selected by the other 2 public members. The
42 Speaker of the House ~~shall be~~ is responsible for organizing the commission and ~~shall~~
43 ~~be~~ is ~~chairperson~~ chair pro tempore thereof until a permanent ~~chairperson~~ chair
44 is selected by the commission members from among their own number. ~~No~~ An action
45 may not be taken without a quorum of 8 being present. The commission shall hold

1 public hearings on any plan for apportionment prior to submitting such ~~that~~ plan to
2 the Legislature.

3 Public members of the commission shall receive the same rate of per diem that is
4 paid to Legislators for every day's attendance at special sessions of the Legislature as
5 defined by law. All members of the commission ~~shall be reimbursed~~ are entitled to
6 reimbursement for actual travel expenses incurred in carrying out the business of the
7 commission. The Legislature, which is required to apportion, shall establish a budget
8 for the apportioning commission within the state budget document in the fiscal year
9 previous to the fiscal year during which the apportioning commission is required to
10 convene and shall appropriate sufficient funds for the commission to satisfactorily
11 perform its duties and responsibilities. The budget ~~shall~~ must include sufficient funds
12 to compensate the ~~chairperson~~ chair of the commission and the ~~chairperson's~~ chair's
13 staff. The remainder of the appropriation ~~shall~~ must be made available equally
14 among the political parties represented on the commission to provide travel expenses,
15 incidental expenses and compensation for commission members and for partisan staff
16 and operations. This section does not apply on or after December 3, 2014.

17 **Section 2. Bills to be signed by the Governor; proceedings, in case the**
18 **Governor disapproves; allowing the Governor 10 days to act on legislation.**
19 Every bill or resolution, having the force of law, to which the ~~concurrence of both~~
20 ~~Houses may be approval of the Legislature is necessary~~, except on a question of
21 adjournment, ~~which shall have that has passed both Houses before December 3, 2014,~~
22 ~~or the Legislature on or after December 3, 2014, shall~~ must be presented to the
23 Governor, ~~and if~~. If the Governor approves, the Governor shall sign it; if not, Before
24 December 3, 2014, if the Governor does not approve and sign the measure, the
25 Governor shall return it with objections to the House in which it shall have
26 originated, which shall enter the objections at large on its journals, journal and
27 proceed to reconsider it. If after such reconsideration, 2/3 of that House shall agree
28 agrees to pass it, it shall be sent together with the objections, to the other House, by
29 which it shall be reconsidered, and, if approved by 2/3 of that House, it shall have has
30 the same effect as if it had been signed by the Governor; but in all such cases, the
31 votes of both Houses shall be taken by yeas and nays, and the names of the persons,
32 voting for and against the bill or resolution, shall must be entered on the journals of
33 both Houses respectively. On or after December 3, 2014, if the Governor does not
34 approve and sign the measure, the Governor shall return it with objections to the
35 Legislature, which shall enter the objections at large on its journal and proceed to
36 reconsider it. If, after reconsideration, 2/3 of the Legislature agrees to pass it, it has
37 the same effect as if it had been signed by the Governor; but in all such cases, the
38 votes of the Legislature must be taken by yeas and nays and the names of the persons
39 voting for and against the bill or resolution must be entered on the journal. If the bill
40 or resolution shall is not be returned by the Governor within 10 days (Sundays
41 excepted) after it shall have has been presented to the Governor, it shall have has the
42 same force and effect as if the Governor had signed it unless the Legislature by their
43 its adjournment prevent prevents its return, in which case it shall have such has that
44 same force and effect, unless returned within 3 days after the next meeting of the
45 same Legislature which that enacted the bill or resolution; if there is no such next

1 meeting of the Legislature ~~which that~~ enacted the bill or resolution, the bill or
2 resolution ~~shall~~ does not be a become law.

3 **Section 2-A. Line-item veto of dollar amounts appearing in appropriation or**
4 **allocation sections of legislative documents.** The Governor has power to
5 disapprove any dollar amount appearing in an appropriation section or allocation
6 section, or both, of an enacted legislative document. Unless the Governor exercises
7 the line-item veto power authorized in this section no later than one day after
8 receiving for signature the enacted legislation, the powers of the Governor as set out
9 in section 2 apply to the entire enacted legislation. For any disapproved dollar
10 amount, the Governor shall replace the dollar amount with one that does not result in
11 an increase in an appropriation or allocation or a decrease in a deappropriation or
12 deallocation. When disapproving a dollar amount pursuant to this section, the
13 Governor may not propose an increase in an appropriation or allocation elsewhere in
14 the legislative document. The Governor shall specify the distinct dollar amounts that
15 are revised, and the part or parts of the legislative document not specifically revised
16 become law. The dollar amounts in an appropriation or allocation that have been
17 disapproved become law as revised by the Governor, unless passed over the
18 Governor's veto by the Legislature as the dollar amounts originally appeared in the
19 enacted bill as presented to the Governor; except that, notwithstanding any other
20 provision of this Constitution for dollar amounts vetoed pursuant to this section,
21 before December 3, 2014 a majority of all the elected members in each House is
22 sufficient to override the veto and on or after December 3, 2014 a majority of all the
23 elected Senators is sufficient to override the veto, and each dollar amount vetoed
24 must be voted on separately to override the veto. Except as provided in this section,
25 the Governor may not disapprove, omit or modify any language allocated to the
26 statutes or appearing in an unallocated section of law.

27 **Section 3. The judge of its elections; majority, a quorum.** Each House shall
28 ~~be is, and on or after December 3, 2014, the Legislature is~~ the judge of the elections
29 and qualifications of its own members; and a majority ~~shall constitute~~ constitutes
30 a quorum to do business; but a smaller number may adjourn from day to day; and may
31 compel the attendance of absent members; in such manner and under such penalties
32 as each House, and on or after December 3, 2014, the Legislature shall provide.

33 **Section 4. May punish and expel members.** Each House, and on or after
34 December 3, 2014, the Legislature may determine the rules of its proceedings, punish
35 its members for disorderly behavior; and, with the concurrence of 2/3 expel a
36 member, but not a 2nd time for the same cause.

37 **Section 5. Shall keep a journal; yeas and nays.** Each House, and on or after
38 December 3, 2014, the Legislature shall keep a journal, and from time to time publish
39 its proceedings, except such parts as in their judgment may require secrecy; and the
40 yeas and nays of the members of either House, and on or after December 3, 2014, the
41 Legislature on any question, shall must, at the desire of 1/5 of those present, be
42 entered on the ~~journals~~ journal.

43 **Section 6. May punish for contempt.** Each House, and on or after December 3,
44 2014, the Legislature, during its session, may punish by imprisonment any person,

1 not a member, for disrespectful or disorderly behavior in its presence, for obstructing
2 any of its proceedings, threatening, assaulting or abusing any of its members for
3 anything said, done, or doing in either House, and on or after December 5, 2012, the
4 Legislature; provided, that no imprisonment ~~shall~~ may extend beyond the period of
5 the same session.

6 **Section 7. Compensation; traveling expenses.** This section applies to
7 compensation and expenses before December 3, 2014. The Senators and
8 Representatives ~~shall~~ are entitled to receive such compensation, as ~~shall be~~ is
9 established by law; but no law increasing their compensation ~~shall~~ may take effect
10 during the existence of the Legislature, ~~which~~ that enacted it. The expenses of the
11 members of the House of Representatives in traveling to the Legislature, and
12 returning ~~therefrom~~ from the Legislature, once in each week of each session and no
13 more, ~~shall~~ must be paid by the State out of the public treasury to every member, who
14 shall seasonably attend, in the judgment of the House, and does not depart ~~therefrom~~
15 from the Legislature without leave.

16 **Constitution, Art. IV, Pt. Third, §7-A** is enacted to read:

17 **Section 7-A. Compensation; traveling expenses.** This section applies to
18 compensation and expenses on or after December 3, 2014. The Senators are entitled
19 to receive such compensation as is established by law; but no law increasing their
20 compensation may take effect during the existence of the Legislature that enacted it.
21 The expenses of the Senators in traveling to the Legislature, and returning from the
22 Legislature, once in each week of each session and no more, must be paid by the
23 State out of the public treasury to every Senator, who shall seasonably attend, in the
24 judgment of the Legislature and does not depart from the Legislature without leave.

25 **Constitution, Art. IV, Pt. Third, §8** is amended to read:

26 **Section 8. Members exempt from arrest; freedom of debate.** This section
27 applies before December 3, 2014. The Senators and Representatives ~~shall~~ are, in all
28 cases except treason, felony or breach of the peace, ~~be~~ privileged from arrest during
29 their attendance at, going to, and returning from each session of the Legislature, and
30 no member ~~shall be~~ is liable to answer for anything spoken in debate in either House,
31 in any court or place elsewhere.

32 **Constitution, Art. IV, Pt. Third, §8-A** is enacted to read:

33 **Section 8-A. Senators exempt from arrest; freedom of debate.** This section
34 applies on or after December 3, 2014. The Senators are, in all cases except treason,
35 felony or breach of the peace, privileged from arrest during their attendance at, going
36 to, and returning from each session of the Legislature, and no Senator is liable to
37 answer for anything spoken in debate in the Legislature, in any court or place
38 elsewhere.

39 **Constitution, Art. IV, Pt. Third, §9** is amended by adding at the end the
40 following:

1 This section does not apply on or after December 3, 2014.

2 **Constitution, Art. IV, Pt. Third, §10** is amended to read:

3 **Section 10. Members not to be appointed to certain offices.** This section
4 applies before December 3, 2014. No Senator or Representative ~~shall~~ may, during the
5 term for which the Senator or Representative ~~shall have~~ has been elected, be
6 appointed to any civil office of profit under this State, ~~which~~ that requires the
7 approval of the Legislature for appointment or ~~which shall have~~ that has been created,
8 or the emoluments of which increased during ~~such~~ that term, except such offices as
9 may be filled by elections by the people.

10 **Constitution, Art. IV, Pt. Third, §10-A** is enacted to read:

11 **Section 10-A. Senators not to be appointed to certain offices.** This section
12 applies on or after December 3, 2014. No Senator may, during the term for which the
13 Senator has been elected, be appointed to any civil office of profit under this State
14 that requires the approval of the Legislature for appointment or that has been created,
15 or the emoluments of which increased during that term, except such offices as may be
16 filled by elections by the people.

17 **Constitution, Art. IV, Pt. Third, §§11 and 12** are amended to read:

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

23 **Section 12. Adjournments.** Neither House shall during the session, without the
24 consent of the other, adjourn for more than 2 days, nor to any other place than that in
25 which the Houses ~~shall be~~ are sitting and, on or after December 3, 2014, the
26 Legislature may not adjourn for more than 2 days, nor to any other place than that in
27 which the Legislature is sitting.

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

29 **Section 15. Constitutional conventions.** The Legislature ~~shall~~, by a 2/3
30 concurrent vote of both branches or, have on or after December 3, 2014, by a 2/3 vote
31 of the Legislature has the power to call constitutional conventions; for the purpose of
32 amending this Constitution.

33 **Section 16. Acts become effective in 90 days after recess; exception;**
34 **emergency bill defined.** No Act or ~~joint~~ resolution of the Legislature, except such
35 orders or resolutions as pertain solely to facilitating the performance of the business
36 of the Legislature, ~~of either branch~~, or of any committee or officer thereof, or
37 appropriate money therefor or for the payment of salaries fixed by law, ~~shall take~~
38 takes effect until 90 days after the recess of the session of the Legislature in which it
39 was passed, unless in case of emergency, in which ~~with~~ case the facts constituting the

1 emergency ~~shall~~ must be expressed in the preamble of the Act, the Legislature ~~shall~~,
2 by a vote of 2/3 of all the members elected to each House, ~~or, on or after December 3,~~
3 2014, by a 2/3 vote of those elected to the Legislature otherwise direct directs. An
4 emergency bill ~~shall~~ may include only such measures as are immediately necessary
5 for the preservation of the public peace, health or safety; and ~~shall~~ may not include
6 (1) an infringement of the right of home rule for municipalities, (2) a franchise or a
7 license to a corporation or an individual to extend longer than one year; or (3)
8 provision for the sale or purchase or renting for more than 5 years of real estate.

9 **Constitution, Art. IV, Pt. Third, §18, sub-§1**, as amended by CR 2005, c.
10 2, is further amended to read:

11 **1. Petition procedure.** The electors may propose to the Legislature for its
12 consideration any bill, resolve or resolution, including bills to amend or repeal
13 emergency legislation but not an amendment of the State Constitution, by written
14 petition addressed to the Legislature or, until December 2, 2014, to either branch
15 thereof and filed in the office of the Secretary of State by the hour of 5:00 p.m., on or
16 before the 50th day after the date of convening of the Legislature in first regular
17 session or on or before the 25th day after the date of convening of the Legislature in
18 second regular session, except that the written petition may not be filed in the office
19 of the Secretary of State later than 18 months after the date the petition form was
20 furnished or approved by the Secretary of State. If the applicable deadline falls on a
21 Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the
22 next day ~~which~~ that is not a Saturday, Sunday, or legal holiday.

23 **Constitution, Art. IV, Pt. Fourth** is enacted to read:

24 **Article IV**

25 **Part Fourth**

26 **Unicameral Legislature**

27 **Section 1. Legislative department; style of acts.** Notwithstanding Part First
28 and Part Second, beginning with the first regular session of the Legislature that
29 convenes in December 2014, the legislative authority of the State is vested in a
30 Legislature consisting of one chamber, but the people reserve to themselves power to
31 propose laws and enact or reject the same at the polls independent of the Legislature
32 and reserve the power to approve or reject at the polls any act, bill, resolve or
33 resolution proposed by the Legislature and the style of the laws and acts must be "Be
34 it enacted by the People of the State of Maine." All authority vested by this
35 Constitution or laws of the State in the Senate, House of Representatives or joint
36 session of those Houses, insofar as applicable, is vested in the one-chamber
37 Legislature. All provisions in the laws of the State relating to the Legislature, the
38 Senate and House of Representatives, joint sessions of the Senate and House of
39 Representatives, Senators or members of the House of Representatives, insofar as
40 such provisions are applicable, apply to and mean the one-chamber Legislature
41 established by this section. All references to Clerk of the House of Representatives
42 or Secretary of the Senate mean, when applicable, Clerk of the Legislature. All

1 references to the Speaker of the House of Representatives or President of the Senate
2 mean the Presiding Officer of the Legislature. When any provision of this
3 Constitution or the law requires the submission of any matter to or action by the
4 House of Representatives, the Senate or joint session of those Houses, or the
5 members of either body or both, after December 2014, that provision is amended to
6 mean and must be construed to refer to the one-chamber Legislature.

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

9 **Section 2. Number of members.** The Legislature consists of 105 Senators who
10 are elected by the qualified electors and serve terms of 2 years from the day next
11 preceding the first Wednesday in December following a general election. The
12 Legislature that convenes in the year 2012 and every 10th year thereafter shall cause
13 the State to be divided into districts for the choice of one Senator for each district.
14 The number of Senators must be divided into the number of inhabitants of the State
15 exclusive of foreigners not naturalized according to the latest Federal Decennial
16 Census or a state census previously ordered by the Legislature to coincide with the
17 Federal Decennial Census to determine a median population figure for each member
18 district. Each member district must be formed of continuous and compact territory
19 and cross political subdivision lines the least number of times necessary to establish
20 as nearly as practicable equally populated districts. If the population of a
21 municipality entitles it to more than one district, all whole districts must be drawn
22 within municipal boundaries. Any population remainder within the municipality
23 must be included in a district drawn to cross the municipal boundary, provided that
24 the population remainder of the municipality is contiguous to another municipality or
25 municipalities included in the district.

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

32 Except for the commission established by the Legislature that convenes in 2012,
33 the commission is composed of 5 Senators from the political party holding the largest
34 number of seats in the Legislature, who are appointed by the Presiding Officer of the
35 Legislature; 5 Senators from the political party holding the majority of the remainder
36 of the seats in the Legislature, who are appointed by the floor leader of that party in
37 the Legislature; the chair of each of the 2 major political parties in the State or their
38 designated representatives; and 3 members from the public generally, one selected by
39 each group of members of the commission representing the same political party and
40 the 3rd selected by the other 2 public members. For the commission established by
41 the Legislature that convenes in 2012, the commission is composed of 3 members
42 from the political party holding the largest number of seats in the House of
43 Representatives, who are appointed by the Speaker; 3 members from the political
44 party holding the majority of the remainder of the seats in the House of

1 Representatives, who are appointed by the floor leader of that party in the House; 2
2 members of the party holding the largest number of seats in the Senate, who are
3 appointed by the President of the Senate; 2 members of the political party holding the
4 majority of the remainder of the seats in the Senate, to be appointed by the floor
5 leader of that party in the Senate; the chair of each of the 2 major political parties in
6 the State or their designated representatives; and 3 members from the public
7 generally, one to be selected by each group of members of the commission
8 representing the same political party, and the 3rd to be selected by the other 2 public
9 members. The Presiding Officer of the Legislature is responsible for organizing the
10 commission and is chair pro tempore until a permanent chair is selected by the
11 commission members from among their own number, except that for the Legislature
12 that convenes in 2012, the Speaker of the House has these responsibilities. An action
13 may not be taken without a quorum of 8 being present. The commission shall hold
14 public hearings on any plan for apportionment prior to submitting such a plan to the
15 Legislature.

16 Public members of the commission are entitled to the same rate of per diem that
17 is paid to Senators for every day's attendance at special sessions of the Legislature as
18 defined by law. All members of the commission are reimbursed for actual travel
19 expenses incurred in carrying out the business of the commission. The Legislature
20 that is required to apportion shall establish a budget for the apportioning commission
21 within the state budget document in the fiscal year previous to the fiscal year during
22 which the apportioning commission is required to convene and shall appropriate
23 sufficient funds for the commission to satisfactorily perform its duties and
24 responsibilities. The budget must include sufficient funds to compensate the chair of
25 the commission and the chair's staff. The remainder of the appropriation must be
26 made available equally among the political parties represented on the commission to
27 provide travel expenses, incidental expenses and compensation for commission
28 members and for partisan staff and operations.

29 **Section 4. Submission of reapportionment plan to Clerk of the Legislature;**
30 **Legislature's action on commission's plan.** The apportionment plan of the
31 commission established under this Part, Section 3 must be submitted to the Clerk of
32 the Legislature no later than 120 calendar days after the convening of the Legislature
33 in which apportionment is required. In the preparation of legislation implementing
34 the plan, the commission, following a unanimous decision by commission members,
35 may adjust errors and inconsistencies in accordance with the standards set forth in
36 this Constitution, so long as substantive changes are not made. The Legislature shall
37 enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of
38 the Senators within 30 calendar days after the plan of the commission is submitted.
39 Such action is subject to the Governor's approval as provided in Article IV, Part
40 Third, Section 2.

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

1 take into consideration plans and briefs filed by the public with the court during the
2 first 30 days of the period in which the court is required to apportion.

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

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

13 A person may not be a candidate for election as a Senator unless, at the time of
14 the nomination for placement on the primary, general or special election ballot, that
15 person is a resident in the district that the candidate seeks to represent.

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

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

1 Section 8. Vacancies. Whenever the seat of a Senator is vacated by death,
2 resignation or otherwise, the vacancy may be filled by a new election, except that if
3 there is 8 months or more remaining in the Senate term, the vacancy must be filled by
4 an immediate election in the unrepresented district.

5 **Constitution, Art. V, Pt. First, §3** is amended to read:

6 **Section 3. Election; votes to be returned to Secretary of State; Secretary of**
7 **State to lay lists before the Senate and House of Representatives; provision in**
8 **case of tie.** This section applies before December 3, 2014. The meetings for election
9 of Governor ~~shall~~ must be notified announced, held and regulated and votes ~~shall~~
10 must be received, sorted, counted and declared and recorded, in the same manner as
11 those for Senators and Representatives. Copies of lists of votes ~~shall~~ must be sealed
12 and returned to the secretary's office in the same manner and at the same time as
13 those for Senators. The Secretary of State for the time being shall, on the first
14 Wednesday after the first Tuesday of January then next, lay the lists returned to the
15 secretary's office before the Senate and House of Representatives to be by them
16 examined, together with the ballots cast if they so elect, and they shall determine the
17 number of votes duly cast for the office of Governor, and in case of a choice by
18 plurality of all of the votes returned they shall declare and publish the same. If there
19 ~~shall be~~ is a tie between the 2 persons having the largest number of votes for
20 Governor, the House of Representatives and the Senate meeting in joint session, and
21 each member of ~~said bodies~~ having a single vote, shall elect one of ~~said~~ the 2 persons
22 having so received an equal number of votes and the person so elected by the Senate
23 and House of Representatives ~~shall be~~ is declared the Governor.

24 **Constitution, Art. V, Pt. First, §3-A** is enacted to read:

25 **Section 3-A. Election; votes to be returned to Secretary of State; Secretary**
26 **of State to lay lists before the Legislature; provision in case of tie.** This section
27 applies on or after December 3, 2014. The meetings for election of Governor must be
28 announced, held and regulated and votes must be received, sorted, counted and
29 declared and recorded, in the same manner as those for Senators. Copies of lists of
30 votes must be sealed and returned to the secretary's office in the same manner and at
31 the same time as those for Senators. The Secretary of State for the time being shall,
32 on the first Wednesday after the first Tuesday of January then next, lay the lists
33 returned to the secretary's office before the Senate to be by them examined, together
34 with the ballots cast if they so elect, and they shall determine the number of votes
35 duly cast for the office of Governor, and in case of a choice by plurality of all of the
36 votes returned they shall declare and publish the same. If there is a tie between the 2
37 persons having the largest number of votes for Governor, the Senate meeting in
38 session and each member having a single vote, shall elect one of the 2 persons having
39 so received an equal number of votes and the person so elected by the Senate is
40 declared the Governor.

41 **Constitution, Art. V, Pt. First, §8, first ¶** is amended to read:

42 **Section 8. To appoint officers.** This section applies to appointments made
43 before December 3, 2014. The Governor shall nominate, and, subject to confirmation

1 as provided herein, appoint all judicial officers, except judges of probate and justices
2 of the peace if their manner of selection is otherwise provided for by this Constitution
3 or by law, and all other civil and military officers whose appointment is not by this
4 Constitution, or shall not by law be otherwise provided for.

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

6 **Section 8-A. To appoint officers.** This section applies to appointments made
7 on or after December 3, 2014. The Governor shall nominate and, subject to
8 confirmation as provided in this section, appoint all judicial officers except judges of
9 probate and justices of the peace if their manner of selection is otherwise provided for
10 by this Constitution or by law and all other civil and military officers whose
11 appointment is not by this Constitution or is not by law otherwise provided for.

12 **Procedure for confirmation.** The procedure for confirmation is an appropriate
13 legislative committee recommendation or denial by majority vote of committee
14 members present and voting. The committee recommendation is reviewed by the
15 Legislature and upon review becomes final action of confirmation or denial unless
16 the Legislature by vote of 2/3 of those Senators present and voting overrides the
17 committee recommendation. The vote must be by the yeas and nays.

18 **Affirmative vote of 2/3 of members required.** All laws to carry out the
19 purposes of this section require the affirmative vote of 2/3 of the Senators present and
20 voting.

21 **Governor or Presiding Officer may call Legislature into session.** Either the
22 Governor or the Presiding Officer of the Legislature has the power to call the
23 Legislature into session for the purpose of voting upon confirmation of appointments.

24 **Nomination by Governor made 7 days prior to appointment of nominee.**
25 Every nomination by the Governor must be made 7 days prior to appointment of the
26 nominee.

27 **Constitution, Art. V, Pt. First, §13** is amended to read:

28 **Section 13. Convene the Legislature on extraordinary occasions, and**
29 **adjourn it in case of disagreement; may change the place of meeting.** The
30 Governor may, on extraordinary occasions, convene the Legislature; and, until
31 December 3, 2014 in case of disagreement between the 2 Houses with respect to the
32 time of adjournment, adjourn them to such time, as the Governor ~~shall think~~
33 determines proper, not beyond the day of the next regular session; and, if, since the
34 last adjournment, the place where the Legislature were next to convene ~~shall have~~ has
35 become dangerous from an enemy or contagious sickness, may direct the session to
36 be held at some other convenient place within the State.

37 **Constitution, Art. V, Pt. First, §14, first ¶** is amended to read:

38 **Section 14. Vacancy, how supplied.** This section applies on or before
39 December 3, 2014. Whenever the office of Governor shall become vacant because of

1 the death, resignation or removal of a Governor in office, or any other cause, the
2 President of the Senate shall assume the office of Governor until another Governor
3 shall be duly qualified. When the vacancy occurs more than 90 days preceding the
4 date of the primary election for nominating candidates to be voted for at the biennial
5 election next succeeding, the President of the Senate shall assume the office of
6 Governor until the first Wednesday after the first Tuesday of January following the
7 biennial election. At the biennial election, a Governor shall be elected to fill the
8 unexpired term created by the vacancy. When the vacancy occurs less than 90 days
9 preceding the date of a primary election the President of the Senate shall fill the
10 unexpired term.

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

12 **Section 14-A. Vacancy; how supplied.** This section applies on or after
13 December 3, 2014. If the office of Governor becomes vacant because of the death,
14 resignation or removal of a Governor in office or any other cause, the Presiding
15 Officer of the Legislature shall assume the office of Governor until another Governor
16 is duly qualified. When the vacancy occurs more than 90 days preceding the date of
17 the primary election for nominating candidates to be voted for at the biennial election
18 next succeeding, the Presiding Officer of the Legislature shall assume the office of
19 Governor until the first Wednesday after the first Tuesday of January following the
20 biennial election. At the biennial election, a Governor must be elected to fill the
21 unexpired term created by the vacancy. When the vacancy occurs less than 90 days
22 preceding the date of a primary election, the Presiding Officer of the Legislature shall
23 fill the unexpired term.

24 If the offices of Governor and Presiding Officer of the Legislature are vacant at
25 the same time, the person acting as Secretary of State at that time shall exercise the
26 office of Governor and by proclamation convene the Legislature and the Legislature
27 shall fill the vacancy in the office of the Presiding Officer of the Legislature and
28 choose a person who shall assume the office of Governor for the same term and under
29 the same conditions as the Presiding Officer of the Legislature.

30 **Mental or physical disability of the Governor continuously for more than 6**
31 **months.** If for more than 6 months a Governor in office has been continuously
32 unable to discharge the powers and duties of that office because of mental or physical
33 disability, the office of Governor is deemed vacant. The vacancy must be declared
34 by the Supreme Judicial Court upon presentment to it of a resolution declaring the
35 reason for the vacancy, adopted by a vote of 2/3 of Senators, and upon notice, and a
36 hearing before the court and a decision by a majority of the court that reason exists
37 for declaring the office vacant.

38 **Constitution, Art. V, Pt. First, §15, first ¶** is amended to read:

39 **Section 15. Temporary mental or physical disability of Governor.** This
40 section applies before December 3, 2014. Whenever the Governor is unable to
41 discharge the powers and duties of that office because of mental or physical
42 disability, the President of the Senate, or if that office is vacant, the Speaker of the
43 House of Representatives, shall exercise the powers and duties of the office of

1 Governor until the Governor is again able to discharge the powers and duties of that
2 office, or until the office of Governor is declared to be vacant or until another
3 Governor shall be duly qualified.

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

5 **Section 15-A. Temporary mental or physical disability of Governor.** This
6 section applies on or after December 3, 2014. If the Governor is unable to discharge
7 the powers and duties of the office of Governor because of mental or physical
8 disability, the Presiding Officer of the Legislature shall exercise the powers and
9 duties of the office of Governor until the Governor is again able to discharge the
10 powers and duties of that office or until the office of Governor is declared vacant or
11 until another Governor is duly qualified.

12 If the Governor is unable to discharge the powers and duties of that office, the
13 Governor may so certify to the Chief Justice of the Supreme Judicial Court, and upon
14 notice from the Chief Justice, the Presiding Officer of the Legislature shall exercise
15 the powers and duties of the office of Governor until such time as the Governor
16 certifies to the Chief Justice that the Governor is able to discharge those powers and
17 duties and the Chief Justice shall so notify the officer who is exercising the powers
18 and duties of the office of Governor.

19 When the Secretary of State has reason to believe that the Governor is unable to
20 discharge the duties of that office, the Secretary of State may so certify to the
21 Supreme Judicial Court declaring the reason for such a belief. After notice to the
22 Governor, a hearing before the court and a decision by a majority of the court that the
23 Governor is unable to discharge the duties of the office of Governor, the court shall
24 notify the Presiding Officer of the Legislature of that inability and that officer shall
25 exercise the functions, powers and duties of the office of Governor until such time as
26 the Secretary of State or the Governor certifies to the court that the Governor is able
27 to discharge the duties of the office of Governor and the court, after notice to the
28 Governor and a hearing before the court, decides that the Governor is able to
29 discharge the duties of that office and so notifies the officer who is exercising the
30 powers and duties of the office of Governor.

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

36 **Constitution, Art. V, Pt. Second, §§3 and 4** are amended to read:

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

40 **Section 4. Records of executive and legislative departments.** The Secretary of
41 State shall carefully keep and preserve the records of all the official acts and

1 proceedings of the Governor, ~~Senate and House of Representatives and the~~
2 Legislature, and, when required, lay the same before ~~either branch of the Legislature,~~
3 and perform such other duties as are enjoined by this Constitution, or ~~shall be~~ are
4 required by law.

5 **Constitution, Art. V, Pt. Third, §1** is amended to read:

6 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first
7 session of the Legislature, by joint ballot of the Senators, and Representatives in
8 convention, except that, beginning December 3, 2014, the Treasurer is chosen
9 biennially by ballot at the first session of the Legislature.

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

11 **Section 3. To give opinion when required.** The Justices of the Supreme
12 Judicial Court shall be obliged to give their opinion upon important questions of law,
13 and upon solemn occasions, when required by the Governor, or, before December 3,
14 2014, the Senate or House of Representatives, or, on or after December 3, 2014, the
15 Legislature.

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

26 **Constitution, Art. IX, §1, last ¶** is amended to read:

27 **Administration of oaths to Governor, Legislators and other officers before**
28 **December 3, 2014.** ~~The~~ Before December 3, 2014, the oaths or affirmations ~~shall~~
29 must be taken and subscribed by the Governor before the presiding officer of the
30 Senate, in the presence of both Houses of the Legislature, and by the Senators and
31 Representatives before the Governor, and by the residue of said officers before such
32 persons as ~~shall be~~ are prescribed by the Legislature; and whenever the Governor
33 ~~shall is~~ not be able to attend during the session of the Legislature to take and
34 subscribe ~~said~~ oaths or affirmations, any such oaths or affirmations may be taken and
35 subscribed in the recess of the Legislature before any Justice of the Supreme Judicial
36 Court and provided further that, if the Governor ~~shall be~~ is unable to appear and
37 administer the oath to the Senators and Representatives, any such oaths ~~shall~~ must be
38 administered by the Chief Justice of the Supreme Judicial Court or, in the absence of
39 the Chief Justice, by the senior Associate Justice of ~~said the~~ Supreme Judicial Court
40 present at the State Capitol on the first day of the term for which ~~said the~~ Senators
41 and Representatives ~~shall~~ have been elected.

1 **Constitution, Art. IX, §1**, is amended by adding after the last paragraph a new
2 paragraph to read:

3 **Administration of oaths to Governor, Senators and other officers on or after**
4 **December 3, 2014.** Beginning December 3, 2014, the oaths or affirmations must be
5 taken and subscribed by the Governor before the Presiding Officer of the Legislature,
6 in the presence of the Legislature, and by the Senators before the Governor, and by
7 the residue of said officers before such persons as are prescribed by the Legislature
8 and whenever the Governor is not able to attend during the session of the Legislature
9 to take and subscribe oaths or affirmations, any such oaths or affirmations may be
10 taken and subscribed in the recess of the Legislature before any Justice of the
11 Supreme Judicial Court and provided further that, if the Governor is unable to appear
12 and administer the oath to the Senators, any such oaths must be administered by the
13 Chief Justice of the Supreme Judicial Court or, in the absence of the Chief Justice, by
14 the senior Associate Justice of the Supreme Judicial Court present at the State Capitol
15 on the first day of the term for which the Senators have been elected.

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

17 **Section 4. Elections on the first Wednesday after first Tuesday of January**
18 **may be adjourned from day to day.** In case the elections, required by this
19 Constitution on the first Wednesday after the first Tuesday of January biennially, by
20 ~~the 2 Houses of the Legislature, shall~~ are not be completed on that day, the same may
21 be adjourned from day to day, until completed, in the following order: ~~The~~ Before
22 December 3, 2014, vacancies in the Senate ~~shall~~ must first be filled; and the
23 Governor ~~shall~~ must then be elected, if there ~~be~~ is no choice by the people. On or
24 after December 3, 2014, vacancies in the Legislature must be filled first.

25 **Section 5. Removal by impeachment or address.** Every person holding any
26 civil office under this State; may be removed by impeachment; for misdemeanor in
27 office; and every person holding any office; may be removed by the Governor on the
28 address of both branches of the Legislature or, on or after December 3, 2014, of the
29 Legislature. But before such address shall pass ~~either House~~ the causes of removal
30 shall be stated and entered on the journal of the House in which it originated or, on or
31 after December 3, 2014, of the Legislature, and a copy thereof of the bill of causes
32 served on the person in office, that the person may be admitted to a hearing in that
33 person's own defense.

34 **Constitution, Art. IX, §11** is amended to read:

35 **Section 11. Attorney General.** The Attorney General shall be chosen biennially
36 by joint ballot of the Senators and Representatives in convention, except that,
37 beginning December 3, 2014, the Attorney General is chosen biennially by ballot of
38 the Senate. Vacancy in said office occurring when the Legislature is not in session,
39 may be filled by appointment by the Governor, subject to confirmation as required by
40 this Constitution for Justices of the Supreme Judicial Court.

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

1 **Section 14. Authority and procedure for issuance of bonds.** The credit of the
2 State ~~shall~~ may not be directly or indirectly loaned in any case, except as provided in
3 sections 14-A, 14-B, 14-C and 14-D. The Legislature ~~shall~~ may not create any debt
4 or debts, liability or liabilities, on behalf of the State, ~~which shall that~~ singly, or in the
5 aggregate, with previous debts and liabilities hereafter incurred at any one time,
6 exceed \$2,000,000, except to suppress insurrection, to repel invasion, or for purposes
7 of war, and except for temporary loans to be paid out of money raised by taxation
8 during the fiscal year in which they are made, and except for loans to be repaid within
9 12 months with federal transportation funds in amounts not to exceed 50% of
10 transportation funds appropriated by the Federal Government in the prior federal
11 fiscal year; and excepting also that whenever 2/3 of both Houses ~~shall deem~~
12 determine or, on or after December 3, 2014, the Legislature determines it necessary,
13 by proper enactment ratified by a majority of the electors voting ~~thereon~~ at a general
14 or special election, the Legislature may authorize the issuance of bonds on behalf of
15 the State at such times and in such amounts and for such purposes as approved by
16 such an action; but this ~~shall~~ may not be construed to refer to any money that has
17 been, or may be deposited with this State by the Government of the United States, or
18 to any fund ~~which that~~ the State ~~shall hold~~ holds in trust for any Indian tribe.
19 Whenever ratification by the electors is essential to the validity of bonds to be issued
20 on behalf of the State, the question submitted to the electors ~~shall~~ must be
21 accompanied by a statement setting forth the total amount of bonds of the State
22 outstanding and unpaid, the total amount of bonds of the State authorized and
23 unissued, and the total amount of bonds of the State contemplated to be issued if the
24 enactment submitted to the electors be ratified. For any bond authorization requiring
25 ratification of the electors pursuant to this section, if any bonds have not been issued
26 within 5 years of the date of ratification, then those bonds may not be issued after that
27 date. Within 2 years after expiration of that 5-year period, the Legislature may
28 extend, by a majority vote, the 5-year period for an additional 5 years or may
29 deauthorize the bonds. If the Legislature fails to take action within those 2 years, the
30 bond issue ~~shall be~~ is considered to be deauthorized and no further bonds may be
31 issued. For any bond authorization in existence on November 6, 1984, and for which
32 the 5-year period following ratification has expired, no further bonds may be issued
33 unless the Legislature, by November 6, 1986, reauthorizes those bonds by a majority
34 vote, for an additional 5-year period, failing which all bonds unissued under those
35 authorizations ~~shall be~~ are considered to be deauthorized. Temporary loans to be
36 paid out of ~~moneys~~ money raised by taxation during any fiscal year ~~shall~~ may not
37 exceed in the aggregate during the fiscal year in question an amount greater than 10%
38 of all the ~~moneys~~ money appropriated, authorized and allocated by the Legislature
39 from undedicated revenues to the General Fund and dedicated revenues to the
40 Highway Fund for that fiscal year, exclusive of proceeds or expenditures from the
41 sale of bonds, or greater than 1% of the total valuation of the State ~~of Maine,~~
42 whichever is the lesser.

43 **Section 20. Mining Excise Tax Trust Fund.** The principal amount of the
44 Mining Excise Tax Trust Fund or any successor fund may not be expended unless the
45 expenditure is approved in a separate measure by a 2/3 vote of all the members
46 elected to each House of the Legislature or, on or after December 3, 2014, by a 2/3
47 vote of the Legislature and by the Governor.

