

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 electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1454

S.P. 538

In Senate, April 25, 2013

**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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VALENTINO of York.

Cosponsored by Representatives: BOLAND of Sanford, CHENETTE of Saco, COTTA of China, HARVELL of Farmington, HAYES of Buckfield, MacDONALD of Old Orchard Beach, NADEAU of Winslow, PEASE of Morrill.

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

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

20 **Section 4. Time of state election; absentee voting.** The election of ~~Senators~~
21 ~~and Representatives~~ members of the Legislature shall be on the Tuesday following the
22 first Monday of November biennially ~~forever and the~~, except as provided in this section.
23 Beginning with the general election held in 2018, the election of members of the
24 Legislature shall be on the Tuesday following the first Monday of November every 4
25 years. The election of Governor shall be on the Tuesday following the first Monday of
26 November every 4 years. The Legislature under proper enactment shall authorize and
27 provide for voting by citizens of the State absent therefrom in the Armed Forces of the
28 United States or of this State and for voting by other citizens absent or physically
29 incapacitated for reasons deemed sufficient.

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

31 **Section 9. Operation of Part.** The provisions of this Part that conflict with
32 Article IV, Part Fourth are of no effect and this Part is repealed upon the convening of the
33 Legislature in December 2018.

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

35 **Section 9. Operation of Part.** The provisions of this Part that conflict with
36 Article IV, Part Fourth are of no effect and this Part is repealed upon the convening of the
37 Legislature in December 2018.

38 **Constitution, Art. IV, Pt. Third, §1** is amended to read:

1 **Section 1. To meet annually; power of Legislature to convene itself at**
2 **other times; extent of legislative power.** The Legislature shall convene on the first
3 Wednesday of December following the general election in what shall be designated the
4 first regular session of the Legislature; ~~and~~ shall further convene on the first Wednesday
5 after the first Tuesday of January in the subsequent even-numbered year in what shall be
6 designated the second regular session of the Legislature; ~~provided, however, that the shall~~
7 further convene on the first Wednesday after the first Tuesday of January in the
8 subsequent odd-numbered year in what shall be designated the third regular session of the
9 Legislature; and shall further convene on the first Wednesday after the first Tuesday of
10 January in the subsequent even-numbered year in what shall be designated the fourth
11 regular session of the Legislature. The business of the second and fourth regular session
12 sessions of the Legislature shall be limited to budgetary matters; legislation in the
13 Governor's call; legislation of an emergency nature admitted by the Legislature;
14 legislation referred to committees for study and report by the Legislature in the first or
15 third regular session; and legislation presented to the Legislature by written petition of the
16 electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall
17 enact appropriate statutory limits on the length of the first, second, third and fourth
18 regular session and of the second regular session sessions. The Before December 5,
19 2018, the Legislature may convene at such other times on the call of the President of the
20 Senate and Speaker of the House, with the consent of a majority of the Members of the
21 Legislature of each political party, all Members of the Legislature having been first
22 polled. On and after December 5, 2018, the Legislature may convene at such other times
23 on the call of the Presiding Officer of the Legislature, with the consent of a majority of
24 the Senators of each political party, all Senators having been first polled. The
25 Legislature, with the exceptions hereinafter stated, shall have full power to make and
26 establish all reasonable laws and regulations for the defense and benefit of the people of
27 this State, not repugnant to this Constitution, nor to that of the United States.

28 **Constitution, Art. IV, Pt. Third, §1-A, last ¶** is amended to read:

29 Public members of the commission shall receive the same rate of per diem that is paid
30 to Legislators for every day's attendance at special sessions of the Legislature as defined
31 by law. All members of the commission shall be reimbursed for actual travel expenses
32 incurred in carrying out the business of the commission. The Legislature which is
33 required to apportion shall establish a budget for the apportioning commission within the
34 state budget document in the fiscal year previous to the fiscal year during which the
35 apportioning commission is required to convene and shall appropriate sufficient funds for
36 the commission to satisfactorily perform its duties and responsibilities. The budget shall
37 include sufficient funds to compensate the chairperson of the commission and the
38 chairperson's staff. The remainder of the appropriation shall be made available equally
39 among the political parties represented on the commission to provide travel expenses,
40 incidental expenses and compensation for commission members and for partisan staff and
41 operations. This section does not apply on or after December 5, 2018.

42 **Constitution, Art. IV, Pt. Third, §§2 to 7** are amended to read:

43 **Section 2. Bills to be signed by the Governor; proceedings, in case the**
44 **Governor disapproves; allowing the Governor 10 days to act on legislation.**

1 Every bill or resolution, having the force of law, to which the ~~concurrence of both Houses~~
2 ~~may be~~ approval of the Legislature is necessary, except on a question of adjournment,
3 which shall have passed both Houses before December 5, 2018, or the Legislature on and
4 after December 5, 2018, shall be presented to the Governor, and if the Governor
5 approves, the Governor shall sign it; if not, the Governor shall return it with objections to
6 the House in which it shall have originated, which shall enter the objections at large on its
7 journals, and proceed to reconsider it. If after such reconsideration, 2/3 of that House
8 shall agree to pass it, it shall be sent together with the objections, to the other House, by
9 which it shall be reconsidered, and, if approved by 2/3 of that House, it shall have the
10 same effect as if it had been signed by the Governor; but in all such cases, the votes of
11 both Houses shall be taken by yeas and nays, and the names of the persons, voting for and
12 against the bill or resolution, shall be entered on the journals of both Houses respectively.
13 With respect to a bill or resolution that passes on or after December 5, 2018, if the
14 Governor does not approve and sign the bill or resolution, the Governor shall return it
15 with objections to the Legislature, which shall enter the objections at large on its journal
16 and proceed to reconsider it. If, after reconsideration, 2/3 of the Legislature agrees to pass
17 it, it has the same effect as if it had been signed by the Governor; but in all such cases, the
18 votes of the Legislature must be taken by yeas and nays and the names of the persons
19 voting for and against the bill or resolution must be entered on the journal. If the bill or
20 resolution shall not be returned by the Governor within 10 days (Sundays excepted) after
21 it shall have been presented to the Governor, it shall have the same force and effect as if
22 the Governor had signed it unless the Legislature by their adjournment prevent its return,
23 in which case it shall have such force and effect, unless returned within 3 days after the
24 next meeting of the same Legislature which enacted the bill or resolution; if there is no
25 such next meeting of the Legislature which enacted the bill or resolution, the bill or
26 resolution shall not be a law.

27 **Section 2-A. Line-item veto of dollar amounts appearing in**
28 **appropriation or allocation sections of legislative documents.** The Governor has
29 power to disapprove any dollar amount appearing in an appropriation section or
30 allocation section, or both, of an enacted legislative document. Unless the Governor
31 exercises the line-item veto power authorized in this section no later than one day after
32 receiving for signature the enacted legislation, the powers of the Governor as set out in
33 section 2 apply to the entire enacted legislation. For any disapproved dollar amount, the
34 Governor shall replace the dollar amount with one that does not result in an increase in an
35 appropriation or allocation or a decrease in a deappropriation or deallocation. When
36 disapproving a dollar amount pursuant to this section, the Governor may not propose an
37 increase in an appropriation or allocation elsewhere in the legislative document. The
38 Governor shall specify the distinct dollar amounts that are revised, and the part or parts of
39 the legislative document not specifically revised become law. The dollar amounts in an
40 appropriation or allocation that have been disapproved become law as revised by the
41 Governor, unless passed over the Governor's veto by the Legislature as the dollar
42 amounts originally appeared in the enacted bill as presented to the Governor; except that,
43 notwithstanding any other provision of this Constitution for dollar amounts vetoed
44 pursuant to this section, before December 5, 2018 a majority of all the elected members
45 in each House is sufficient to override the veto and on and after December 5, 2018 a
46 majority of all the elected Senators is sufficient to override the veto, and each dollar
47 amount vetoed must be voted on separately to override the veto. Except as provided in

1 this section, the Governor may not disapprove, omit or modify any language allocated to
2 the statutes or appearing in an unallocated section of law.

3 **Section 3. Legislature the judge of its elections; majority, a quorum.** ~~Each~~
4 Before December 5, 2018, each House shall be and, on and after December 5, 2018, the
5 Legislature is the judge of the elections and qualifications of its own members, and a
6 majority shall constitute a quorum to do business; but a smaller number may adjourn
7 from day to day, and may compel the attendance of absent members, in such manner and
8 under such penalties as, before December 5, 2018, each House and, on and after
9 December 5, 2018, the Legislature shall provide.

10 **Section 4. May punish and expel members.** ~~Each~~ Before December 5, 2018,
11 each House and, on and after December 5, 2018, the Legislature may determine the rules
12 of its proceedings, punish its members for disorderly behavior, and, with the concurrence
13 of 2/3, expel a member, but not a 2nd time for the same cause.

14 **Section 5. Shall keep a journal; yeas and nays.** ~~Each~~ Before December 5,
15 2018, each House and, on and after December 5, 2018, the Legislature shall keep a
16 journal, and from time to time publish its proceedings, except such parts as in their
17 judgment may require secrecy; and the yeas and nays of the members of, before
18 December 5, 2018, either House and, on and after December 5, 2018, the Legislature on
19 any question, shall, at the desire of 1/5 of those present, be entered on the journals.

20 **Section 6. May punish for contempt.** ~~Each~~ Before December 5, 2018, each
21 House and, on and after December 5, 2018, the Legislature, during its session, may
22 punish by imprisonment any person, not a member, for disrespectful or disorderly
23 behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or
24 abusing any of its members for anything said, done, or doing in, before December 5,
25 2018, either House and, on and after December 5, 2018, the Legislature; provided, that no
26 imprisonment shall extend beyond the period of the same session.

27 **Section 7. Compensation; traveling expenses.** This section applies to
28 compensation and expenses before December 5, 2018. The Senators and Representatives
29 shall receive such compensation, as shall be established by law; but no law increasing
30 their compensation shall take effect during the existence of the Legislature, which
31 enacted it. The expenses of the members of the House of Representatives in traveling to
32 the Legislature, and returning therefrom, once in each week of each session and no more,
33 shall be paid by the State out of the public treasury to every member, who shall
34 seasonably attend, in the judgment of the House, and does not depart therefrom without
35 leave.

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

37 **Section 7-A. Compensation; traveling expenses.** This section applies to
38 compensation and expenses on and after December 5, 2018. The Senators are entitled to
39 receive such compensation as is established by law, but no law increasing their
40 compensation may take effect during the existence of the Legislature that enacted it. The
41 expenses of the Senators in traveling to the Legislature, and returning from the

1 Legislature, once in each week of each session and no more, must be paid by the State out
2 of the public treasury to every Senator, who shall seasonably attend, in the judgment of
3 the Legislature, and does not depart from the Legislature without leave.

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

5 **Section 8. Members exempt from arrest; freedom of debate.** This section
6 applies before December 5, 2018. The Senators and Representatives shall, in all cases
7 except treason, felony or breach of the peace, be privileged from arrest during their
8 attendance at, going to, and returning from each session of the Legislature, and no
9 member shall be liable to answer for anything spoken in debate in either House, in any
10 court or place elsewhere.

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

12 **Section 8-A. Senators exempt from arrest; freedom of debate.** This section
13 applies on and after December 5, 2018. The Senators are, in all cases except treason,
14 felony or breach of the peace, privileged from arrest during their attendance at, going to,
15 and returning from each session of the Legislature, and no Senator is liable to answer for
16 anything spoken in debate in the Legislature, in any court or place elsewhere.

17 **Constitution, Art. IV, Pt. Third, §9** is amended by adding at the end a new
18 paragraph to read:

19 This section does not apply on or after December 5, 2018.

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

21 **Section 10. Members not to be appointed to certain offices.** This section
22 applies before December 5, 2018. No Senator or Representative shall, during the term for
23 which the Senator or Representative shall have been elected, be appointed to any civil
24 office of profit under this State, which requires the approval of the Legislature for
25 appointment or which shall have been created, or the emoluments of which increased
26 during such term, except such offices as may be filled by elections by the people.

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

28 **Section 10-A. Senators not to be appointed to certain offices.** This section
29 applies on and after December 5, 2018. No Senator may, during the term for which the
30 Senator has been elected, be appointed to any civil office of profit under this State that
31 requires the approval of the Legislature for appointment or that has been created, or the
32 emoluments of which increased during that term, except such offices as may be filled by
33 elections by the people.

34 **Constitution, Art. IV, Pt. Third, §12** is amended to read:

35 **Section 12. Adjournments.** ~~Neither~~ Before December 5, 2018, neither House
36 shall during the session, without the consent of the other, adjourn for more than 2 days,
37 nor to any other place than that in which the Houses shall be sitting and, on and after

1 December 5, 2018, the Legislature may not adjourn for more than 2 days, nor to any other
2 place than that in which the Legislature is sitting.

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

4 **Section 15. Constitutional conventions.** The Legislature shall, by a 2/3
5 concurrent vote of both branches and, on and after December 5, 2018, by a 2/3 vote of the
6 Legislature, have the power to call constitutional conventions, for the purpose of
7 amending this Constitution.

8 **Section 16. Acts become effective in 90 days after recess; exception;**
9 **emergency bill defined.** No Act or ~~joint~~ resolution of the Legislature, except such
10 orders or resolutions as pertain solely to facilitating the performance of the business of
11 the Legislature, ~~of either branch~~, or of any committee or officer thereof, or appropriate
12 money therefor or for the payment of salaries fixed by law, shall take effect until 90 days
13 after the recess of the session of the Legislature in which it was passed, unless in case of
14 emergency, which with the facts constituting the emergency shall be expressed in the
15 preamble of the Act, the Legislature shall, by a vote of 2/3 of all the members elected to
16 each House or, on and after December 5, 2018, by a 2/3 vote of those elected to the
17 Legislature, otherwise direct. An emergency bill shall include only such measures as are
18 immediately necessary for the preservation of the public peace, health or safety; and shall
19 not include (1) an infringement of the right of home rule for municipalities, (2) a
20 franchise or a license to a corporation or an individual to extend longer than one year, or
21 (3) provision for the sale or purchase or renting for more than 5 years of real estate.

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

24 **1. Petition procedure.** The electors may propose to the Legislature for its
25 consideration any bill, resolve or resolution, including bills to amend or repeal emergency
26 legislation but not an amendment of the State Constitution, by written petition addressed
27 to the Legislature or, before December 5, 2018, to either branch thereof and filed in the
28 office of the Secretary of State by the hour of 5:00 p.m., on or before the 50th day after
29 the date of convening of the Legislature in first or third regular session or on or before the
30 25th day after the date of convening of the Legislature in second or fourth regular session,
31 except that the written petition may not be filed in the office of the Secretary of State later
32 than 18 months after the date the petition form was furnished or approved by the
33 Secretary of State. If the applicable deadline falls on a Saturday, Sunday, or legal
34 holiday, the period runs until the hour of 5:00 p.m., of the next day which is not a
35 Saturday, Sunday, or legal holiday.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Article IV.

Part Fourth.

Nonpartisan 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 2018, 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 this 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 this 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, on and after December 5, 2018, 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 Senators; 4-year terms; division of the State into districts for Legislature. The Legislature consists of 151 Senators, to be elected by the qualified electors, and hold their office 4 years from the day next preceding the first Wednesday in December following the general election. The Legislature that convenes in 2015, and also the Legislature that convenes in 2021 and every 10th year thereafter, shall cause the State to be divided into districts for the choice of one Senator for each district. The number of Senators must be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census to determine a mean population figure for each Senator district. Each Senator district must be formed of contiguous and compact territory and cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within municipal boundaries. Any population remainder within the municipality must be included in a district with contiguous territory and must be kept intact.

1 **Section 3. Legislature to establish apportionment commission; number of**
2 **quorum; compensation of commission members; commission's budget;**
3 **division among political parties.** A Legislature that is required to apportion the
4 districts of the Legislature under Article IV, Part Fourth, Section 2 shall establish, within
5 the first 3 calendar days after the convening of that Legislature, a commission to develop
6 a plan for apportioning the Legislature in accordance with the requirements of this
7 Constitution.

8 Except for the commission established by the Legislature that convenes in 2015, the
9 commission is composed of 5 Senators from the political party holding the largest
10 number of seats in the Legislature, who are appointed by the Presiding Officer of the
11 Legislature; 5 Senators from the political party holding the majority of the remainder of
12 the seats in the Legislature, who are appointed by the floor leader of that party in the
13 Legislature; the chair of each of the 2 major political parties in the State or their
14 designated representatives; and 3 members from the public generally, one selected by
15 each group of members of the commission representing the same political party and the
16 3rd selected by the other 2 public members. For the commission established by the
17 Legislature that convenes in 2015, the commission is composed of 3 members from the
18 political party holding the largest number of seats in the House of Representatives, who
19 are appointed by the Speaker; 3 members from the political party holding the majority of
20 the remainder of the seats in the House of Representatives, who are appointed by the floor
21 leader of that party in the House; 2 members of the party holding the largest number of
22 seats in the Senate, who are appointed by the President of the Senate; 2 members of the
23 political party holding the majority of the remainder of the seats in the Senate, to be
24 appointed by the floor leader of that party in the Senate; the chair of each of the 2 major
25 political parties in the State or their designated representatives; and 3 members from the
26 public generally, one to be selected by each group of members of the commission
27 representing the same political party, and the 3rd to be selected by the other 2 public
28 members. The Presiding Officer of the Legislature is responsible for organizing the
29 commission and is chair pro tempore until a permanent chair is selected by the
30 commission members from among their own number, except that for the Legislature that
31 convenes in 2015, the Speaker of the House has these responsibilities. An action may not
32 be taken without a quorum of 8 being present. The commission shall hold public hearings
33 on any plan for apportionment prior to submitting such a plan to the Legislature.

34 Public members of the commission are entitled to the same rate of per diem that is
35 paid to Senators for every day's attendance at special sessions of the Legislature as
36 defined by law. All members of the commission are reimbursed for actual travel expenses
37 incurred in carrying out the business of the commission. The Legislature that is required
38 to apportion shall establish a budget for the apportioning commission within the state
39 budget document in the fiscal year previous to the fiscal year during which the
40 apportioning commission is required to convene and shall appropriate sufficient funds for
41 the commission to satisfactorily perform its duties and responsibilities. The budget must
42 include sufficient funds to compensate the chair of the commission and the chair's staff.
43 The remainder of the appropriation must be made available equally among the political
44 parties represented on the commission to provide travel expenses, incidental expenses and
45 compensation for commission members and for staff and operations.

1 **Section 4. Submission of reapportionment plan to Clerk of the**
2 **Legislature; Legislature's action on commission's plan.** Except for the
3 commission established by the Legislature that convenes in 2015, the apportionment plan
4 of the commission established under Article IV, Part Fourth, Section 3 must be submitted
5 to the Clerk of the Legislature no later than 120 calendar days after the convening of the
6 Legislature in which apportionment is required. In the preparation of legislation
7 implementing the plan, the commission, following a unanimous decision by commission
8 members, may adjust errors and inconsistencies in accordance with the standards set forth
9 in this Constitution, as long as substantive changes are not made. The Legislature shall
10 enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the
11 Senators within 30 calendar days after the plan of the commission is submitted. Such
12 action is subject to the Governor's approval as provided in Article IV, Part Third, Section
13 2.

14 In the event that the Legislature fails to make an apportionment within 130 calendar
15 days after convening, the Supreme Judicial Court, within 60 days following the period in
16 which the Legislature is required to act but fails to do so, shall make the apportionment.
17 In making such an apportionment, the Supreme Judicial Court shall take into
18 consideration plans and briefs filed by the public with the court during the first 30 days of
19 the period in which the court is required to apportion.

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

24 **Section 5. Residency requirement; age; nonpartisan.** A person may not be a
25 Senator unless the person at the commencement of the period for which the person is
26 elected has been 5 years a citizen of the United States, has reached the age of 21 years,
27 has been a resident in this State one year, is not affiliated with a political party and for the
28 3 months next preceding the time of the person's election has been and, during the period
29 for which elected, continues to be a resident in the district that the person represents.

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

33 **Section 6. Election of Senator; lists of votes delivered immediately; lists**
34 **of votes examined by Governor; summons of persons who appear to be**
35 **elected; lists laid before the Legislature.** The meetings within this State for the
36 choice of a Senator must be warned in due course of law by qualified officials of the
37 several towns and cities 7 days at least before the election and the election officials of the
38 various towns and cities shall preside impartially at these meetings, receive the votes of
39 all the qualified electors and sort, count and declare them in open meeting. A list of the
40 persons voted for must be prepared with the number of votes for each person against that
41 person's name. Cities and towns belonging to any legislative district shall hold their
42 meetings at the same time in the respective cities and towns and the meetings must be
43 announced, held and regulated and the votes received, sorted, counted and declared in the

1 same manner. Fair copies of the lists of votes must be attested by the municipal officers
2 and the clerks of the cities and towns and the city and town clerks respectively shall
3 deliver those copies into the office of the Secretary of State immediately. The Governor
4 shall examine the returned copies of the lists and, 7 days before the first Wednesday of
5 December quadrennially following the general election, shall issue a summons to the
6 persons who appear to have been elected by a plurality of all votes returned to attend and
7 take their seats. All the lists must be laid before the Legislature on the first Wednesday of
8 December quadrennially following the general election and the Legislature shall finally
9 determine who is elected.

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

18 **Section 8. Vacancies.** Whenever the seat of a Senator is vacated by death,
19 resignation or otherwise, the vacancy may be filled by a new election, except that if there
20 are 8 months or more remaining in the legislative term, the vacancy must be filled by an
21 immediate election in the unrepresented district.

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

23 **Section 3. Election; votes to be returned to Secretary of State; Secretary**
24 **of State to lay lists before the Senate and House of Representatives; provision**
25 **in case of tie.** This section applies before December 5, 2018. The meetings for election
26 of Governor shall be notified, held and regulated and votes shall be received, sorted,
27 counted and declared and recorded, in the same manner as those for Senators and
28 Representatives. Copies of lists of votes shall be sealed and returned to the secretary's
29 office in the same manner ~~and at the same time~~ as those for Senators. The Secretary of
30 State for the time being shall, on the first Wednesday after the first Tuesday of January
31 then next, lay the lists returned to the secretary's office before the Senate and House of
32 Representatives to be by them examined, together with the ballots cast if they so elect,
33 and they shall determine the number of votes duly cast for the office of Governor, and in
34 case of a choice by plurality of all of the votes returned they shall declare and publish the
35 same. If there shall be a tie between the 2 persons having the largest number of votes for
36 Governor, the House of Representatives and the Senate meeting in joint session, and each
37 member of said bodies having a single vote, shall elect one of said 2 persons having so
38 received an equal number of votes and the person so elected by the Senate and House of
39 Representatives shall be declared the Governor.

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

41 **Section 3-A. Election; votes to be returned to Secretary of State;**
42 **Secretary of State to lay lists before the Legislature; provision in case of tie.**

1 This section applies on and after December 5, 2018. The meetings for election of
2 Governor must be announced, held and regulated and votes must be received, sorted,
3 counted and declared and recorded, in the same manner as those for Senators. Copies of
4 lists of votes must be sealed and returned to the secretary's office in the same manner as
5 those for Senators. The Secretary of State for the time being shall, on the first Wednesday
6 after the first Tuesday of January then next, lay the lists returned to the secretary's office
7 before the Legislature to be by them examined, together with the ballots cast if they so
8 elect, and they shall determine the number of votes duly cast for the office of Governor,
9 and in case of a choice by plurality of all of the votes returned they shall declare and
10 publish the same. If there is a tie between the 2 persons having the largest number of
11 votes for Governor, the Legislature meeting in session and each member having a single
12 vote shall elect one of the 2 persons having so received an equal number of votes and the
13 person so elected by the Legislature is declared the Governor.

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

15 **Section 8. To appoint officers.** This section applies to appointments made
16 before December 5, 2018. The Governor shall nominate, and, subject to confirmation as
17 provided herein, appoint all judicial officers, except judges of probate and justices of the
18 peace if their manner of selection is otherwise provided for by this Constitution or by law,
19 and all other civil and military officers whose appointment is not by this Constitution, or
20 shall not by law be otherwise provided for.

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

22 **Section 8-A. To appoint officers.** This section applies to appointments made on
23 and after December 5, 2018. The Governor shall nominate, and, subject to confirmation
24 as provided herein, appoint all judicial officers, except judges of probate and justices of
25 the peace if their manner of selection is otherwise provided for by this Constitution or by
26 law, and all other civil and military officers whose appointment is not by this
27 Constitution, or shall not by law be otherwise provided for.

28 **Procedure for confirmation.** The procedure for confirmation is an appropriate
29 legislative committee recommendation or denial by majority vote of committee members
30 present and voting. The committee recommendation is reviewed by the Legislature and
31 upon review becomes final action of confirmation or denial unless the Legislature by vote
32 of 2/3 of those Senators present and voting overrides the committee recommendation.
33 The vote must be by the yeas and nays.

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

36 **Governor or Presiding Officer may call Legislature into session.** Either the
37 Governor or the Presiding Officer of the Legislature has the power to call the Legislature
38 into session for the purpose of voting upon confirmation of appointments.

39 **Nomination by Governor made 7 days prior to appointment of nominee.** Every
40 nomination by the Governor must be made at least 7 days prior to appointment of the
41 nominee.

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

2 **Section 13. Convene the Legislature on extraordinary occasions, and**
3 **adjourn it in case of disagreement; may change the place of meeting.** The
4 Governor may, on extraordinary occasions, convene the Legislature; and, before
5 December 5, 2018, in case of disagreement between the 2 Houses with respect to the time
6 of adjournment, adjourn them to such time, as the Governor shall think proper, not
7 beyond the day of the next regular session; and if, since the last adjournment, the place
8 where the Legislature were next to convene shall have become dangerous from an enemy
9 or contagious sickness, may direct the session to be held at some other convenient place
10 within the State.

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

12 **Section 14. Vacancy, how supplied.** This section applies before December 5,
13 2018. Whenever the office of Governor shall become vacant because of the death,
14 resignation or removal of a Governor in office, or any other cause, the President of the
15 Senate shall assume the office of Governor until another Governor shall be duly qualified.
16 When the vacancy occurs more than 90 days preceding the date of the primary election
17 for nominating candidates to be voted for at the biennial election next succeeding, the
18 President of the Senate shall assume the office of Governor until the first Wednesday
19 after the first Tuesday of January following the biennial election. At the biennial
20 election, a Governor shall be elected to fill the unexpired term created by the vacancy.
21 When the vacancy occurs less than 90 days preceding the date of a primary election the
22 President of the Senate shall fill the unexpired term.

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

24 **Section 14-A. Vacancy; how supplied.** This section applies on and after
25 December 5, 2018. If the office of Governor becomes vacant because of the death,
26 resignation or removal of a Governor in office or any other cause, the Presiding Officer of
27 the Legislature shall assume the office of Governor until another Governor is duly
28 qualified. Unless the vacancy occurs less than 90 days preceding the date of the primary,
29 then a special election to elect a Governor must be held no later than 90 days following
30 the vacancy. At the special election, a Governor must be elected to fill the unexpired
31 term created by the vacancy. When the vacancy occurs less than 90 days preceding the
32 date of a primary election, the Presiding Officer of the Legislature shall fill the unexpired
33 term.

34 If the offices of Governor and Presiding Officer of the Legislature are vacant at the
35 same time, the person acting as Secretary of State at that time shall exercise the office of
36 Governor and by proclamation convene the Legislature and the Legislature shall fill the
37 vacancy in the office of the Presiding Officer of the Legislature and choose a person who
38 shall assume the office of Governor for the same term and under the same conditions as
39 the Presiding Officer of the Legislature.

40 **Mental or physical disability of the Governor continuously for more than 6**
41 **months.** If for more than 6 months a Governor in office has been continuously unable to

1 discharge the powers and duties of that office because of mental or physical disability, the
2 office of Governor is deemed vacant. The vacancy must be declared by the Supreme
3 Judicial Court upon presentment to it of a resolution declaring the reason for the vacancy,
4 adopted by a vote of 2/3 of Senators, and upon notice, and a hearing before the court and
5 a decision by a majority of the court that reason exists for declaring the office vacant.

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

7 **Section 15. Temporary mental or physical disability of Governor.** This
8 section applies before December 5, 2018. Whenever the Governor is unable to discharge
9 the powers and duties of that office because of mental or physical disability, the President
10 of the Senate, or if that office is vacant, the Speaker of the House of Representatives,
11 shall exercise the powers and duties of the office of Governor until the Governor is again
12 able to discharge the powers and duties of that office, or until the office of Governor is
13 declared to be vacant or until another Governor shall be duly qualified.

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

15 **Section 15-A. Temporary mental or physical disability of Governor.** This
16 section applies on and after December 5, 2018. If the Governor is unable to discharge the
17 powers and duties of the office of Governor because of mental or physical disability, the
18 Presiding Officer of the Legislature shall exercise the powers and duties of the office of
19 Governor until the Governor is again able to discharge the powers and duties of that
20 office or until the office of Governor is declared vacant or until another Governor is duly
21 qualified.

22 If the Governor is unable to discharge the powers and duties of that office, the
23 Governor may so certify to the Chief Justice of the Supreme Judicial Court, and upon
24 notice from the Chief Justice, the Presiding Officer of the Legislature shall exercise the
25 powers and duties of the office of Governor until such time as the Governor certifies to
26 the Chief Justice that the Governor is able to discharge those powers and duties and the
27 Chief Justice shall so notify the officer who is exercising the powers and duties of the
28 office of Governor.

29 When the Secretary of State has reason to believe that the Governor is unable to
30 discharge the duties of that office, the Secretary of State may so certify to the Supreme
31 Judicial Court declaring the reason for such a belief. After notice to the Governor, a
32 hearing before the court and a decision by a majority of the court that the Governor is
33 unable to discharge the duties of the office of Governor, the court shall notify the
34 Presiding Officer of the Legislature of that inability and that officer shall exercise the
35 functions, powers and duties of the office of Governor until such time as the Secretary of
36 State or the Governor certifies to the court that the Governor is able to discharge the
37 duties of the office of Governor and the court, after notice to the Governor and a hearing
38 before the court, decides that the Governor is able to discharge the duties of that office
39 and so notifies the officer who is exercising the powers and duties of the office of
40 Governor.

41 If the Presiding Officer of the Legislature exercises the office of Governor, the officer
42 is entitled to receive only the compensation of Governor and the officer's duties as

1 Presiding Officer of the Legislature are suspended and the Legislature shall fill the
2 vacancy resulting from that suspension until the officer ceases to exercise the office of
3 Governor.

4 **Constitution, Art. V, Pt. Second, §1** is amended to read:

5 **Section 1. Election.** The Secretary of State shall be chosen biennially at the first
6 session of the Legislature, by joint ballot of the Senators and Representatives in
7 convention, except that, beginning December 5, 2018, the Secretary of State is chosen
8 biennially by ballot at the first and third regular sessions of the Legislature.

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

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

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

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

19 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first session
20 of the Legislature, by joint ballot of the Senators, and Representatives in convention,
21 except that, beginning December 5, 2018, the Treasurer is chosen biennially by ballot at
22 the first and third regular sessions of the Legislature.

23 **Constitution, Art. VI, §§3, 4 and 6** are amended to read:

24 **Section 3. To give opinion when required.** The Justices of the Supreme
25 Judicial Court shall be obliged to give their opinion upon important questions of law, and
26 upon solemn occasions, when required by the Governor, or, before December 5, 2018, the
27 Senate or House of Representatives, or, on and after December 5, 2018, the Legislature.

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

37 **Section 6. Judges and registers of probate, election and tenure; vacancies.**
38 Judges and registers of probate shall be elected by the people of their respective counties,

1 by a plurality of the votes given in, at the ~~biennial~~ election on the Tuesday following the
2 first Monday of November, and shall hold their offices for 4 years, commencing on the
3 first day of January next after their election. Vacancies occurring in said offices by death,
4 resignation or otherwise, shall be filled by election in manner aforesaid at the November
5 election, next after their occurrence; and in the meantime, the Governor may fill said
6 vacancies by appointment, and the persons so appointed shall hold their offices until the
7 first day of January next after the election aforesaid.

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

9 **Administration of oaths to Governor, Legislators and other officers before**
10 **December 5, 2018.** ~~The~~ Before December 5, 2018, the oaths or affirmations shall be
11 taken and subscribed by the Governor before the presiding officer of the Senate, in the
12 presence of both Houses of the Legislature, and by the Senators and Representatives
13 before the Governor, and by the residue of said officers before such persons as shall be
14 prescribed by the Legislature; and whenever the Governor shall not be able to attend
15 during the session of the Legislature to take and subscribe said oaths or affirmations, such
16 oaths or affirmations may be taken and subscribed in the recess of the Legislature before
17 any Justice of the Supreme Judicial Court and provided further that, if the Governor shall
18 be unable to appear and administer the oath to the Senators and Representatives, such
19 oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in the
20 absence of the Chief Justice, by the senior Associate Justice of said Supreme Judicial
21 Court present at the State Capitol on the first day of the term for which said Senators and
22 Representatives shall have been elected.

23 **Constitution, Art. IX, §1** is amended by adding at the end a new paragraph to
24 read:

25 **Administration of oaths to Governor, Senators and other officers on and after**
26 **December 5, 2018.** On and after December 5, 2018, the oaths or affirmations must be
27 taken and subscribed by the Governor before the Presiding Officer of the Legislature, in
28 the presence of the Legislature, and by the Senators before the Governor, and by the
29 residue of said officers before such persons as are prescribed by the Legislature and
30 whenever the Governor is not able to attend during the session of the Legislature to take
31 and subscribe oaths or affirmations, any such oaths or affirmations may be taken and
32 subscribed in the recess of the Legislature before any Justice of the Supreme Judicial
33 Court and provided further that, if the Governor is unable to appear and administer the
34 oath to the Senators, any such oaths must be administered by the Chief Justice of the
35 Supreme Judicial Court or, in the absence of the Chief Justice, by the senior Associate
36 Justice of the Supreme Judicial Court present at the State Capitol on the first day of the
37 term for which the Senators have been elected.

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

39 **Section 4. Elections on the first Wednesday after first Tuesday of**
40 **January may be adjourned from day to day.** In case the elections, required by this
41 Constitution on the first Wednesday after the first Tuesday of January ~~biennially~~
42 ~~quadrennially, by the 2 Houses of the Legislature,~~ shall not be completed on that day, the

1 ~~same~~ Legislature may be adjourned from day to day, until completed, in the following
2 order: The Before December 5, 2018, vacancies in the Senate shall first be filled; and the
3 Governor shall then be elected, if there be no choice by the people. On and after
4 December 5, 2018, vacancies in the Legislature must be filled first.

5 **Section 5. Removal by impeachment or address.** Every person holding any
6 civil office under this State, may be removed by impeachment, for misdemeanor in
7 office; and every person holding any office, may be removed by the Governor on the
8 address of both branches of the Legislature or, on and after December 5, 2018, on the
9 address of the Legislature. But before such address shall pass ~~either House,~~ the causes of
10 removal shall be stated and entered on the journal of the House in which it originated or,
11 on and after December 5, 2018, of the Legislature, and a copy thereof served on the
12 person in office, that the person may be admitted to a hearing in that person's own
13 defense.

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

15 **Section 11. Attorney General.** The Attorney General shall be chosen biennially
16 by joint ballot of the Senators and Representatives in convention, except that, beginning
17 December 5, 2018, the Attorney General is chosen biennially at the first and third regular
18 sessions by ballot of the Legislature. Vacancy in said office occurring when the
19 Legislature is not in session, may be filled by appointment by the Governor, subject to
20 confirmation as required by this Constitution for Justices of the Supreme Judicial Court.

21 **Constitution, Art. IX, §14** is amended to read:

22 **Section 14. Authority and procedure for issuance of bonds.** The credit of
23 the State shall not be directly or indirectly loaned in any case, except as provided in
24 sections 14-A, 14-B, 14-C and 14-D. The Legislature shall not create any debt or debts,
25 liability or liabilities, on behalf of the State, which shall singly, or in the aggregate, with
26 previous debts and liabilities hereafter incurred at any one time, exceed \$2,000,000,
27 except to suppress insurrection, to repel invasion, or for purposes of war, and except for
28 temporary loans to be paid out of money raised by taxation during the fiscal year in which
29 they are made, and except for loans to be repaid within 12 months with federal
30 transportation funds in amounts not to exceed 50% of transportation funds appropriated
31 by the Federal Government in the prior federal fiscal year; and excepting also that
32 whenever $\frac{2}{3}$ of both Houses shall deem or, on and after December 5, 2018, the
33 Legislature determines it necessary, by proper enactment ratified by a majority of the
34 electors voting thereon at a general or special election, the Legislature may authorize the
35 issuance of bonds on behalf of the State at such times and in such amounts and for such
36 purposes as approved by such action; but this shall not be construed to refer to any money
37 that has been, or may be deposited with this State by the Government of the United
38 States, or to any fund which the State shall hold in trust for any Indian tribe. Whenever
39 ratification by the electors is essential to the validity of bonds to be issued on behalf of
40 the State, the question submitted to the electors shall be accompanied by a statement
41 setting forth the total amount of bonds of the State outstanding and unpaid, the total
42 amount of bonds of the State authorized and unissued, and the total amount of bonds of
43 the State contemplated to be issued if the enactment submitted to the electors be ratified.

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

18 **Constitution, Art. IX, §§20 and 21** are amended to read:

19 **Section 20. Mining Excise Tax Trust Fund.** The principal amount of the
20 Mining Excise Tax Trust Fund or any successor fund may not be expended unless the
21 expenditure is approved in a separate measure by a 2/3 vote of all the members elected to
22 each House of the Legislature and by the Governor or, on and after December 5, 2018, by
23 a 2/3 vote of the Legislature and by the Governor.

24 **Section 21. State mandates.** For the purpose of more fairly apportioning the cost
25 of government and providing local property tax relief, the State may not require a local
26 unit of government to expand or modify that unit's activities so as to necessitate
27 additional expenditures from local revenues unless the State provides annually 90% of the
28 funding for these expenditures from State funds not previously appropriated to that local
29 unit of government. Legislation implementing this section or requiring a specific
30 expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all
31 members elected to each House or, on and after December 5, 2018, by a 2/3 vote of the
32 Legislature. This section must be liberally construed.

33 **Constitution, Art. IX, §23** is amended to read:

34 **Section 23. State park land.** State park land, public lots or other real estate held
35 by the State for conservation or recreation purposes and designated by legislation
36 implementing this section may not be reduced or its uses substantially altered except on
37 the vote of 2/3 of all the members elected to each House or, on and after December 5,
38 2018, the Legislature. The proceeds from the sale of such land must be used to purchase
39 additional real estate in the same county for the same purposes.

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

