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

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

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

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

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

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

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

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 The provisions of this Part that conflict with Part Fourth are of no effect and this Part is repealed upon the convening of the Legislature in December 2014.

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

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

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

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

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

The commission ~~shall be~~ composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who ~~shall be~~are appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who ~~shall be~~are appointed by the floor leader of that party in the House; 2 members of the party holding the largest number of seats in the Senate, who ~~shall be~~are appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the ~~chairperson~~chair of each of the 2 major political parties in the State or their designated representatives; and 3 members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the ~~third~~3rd to be selected by the other 2 public members. The Speaker of the House ~~shall be~~ responsible for organizing the commission and ~~shall be~~is ~~chairperson~~chair pro tempore thereof until a permanent ~~chairperson~~chair is selected by the commission members from among their own number. ~~No~~An action may not be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting ~~sue~~that plan to the Legislature.

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

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

Section 2-A. Line-item veto of dollar amounts appearing in appropriation or allocation sections of legislative documents. The Governor has power to disapprove any dollar amount appearing in an appropriation section or allocation section, or both, of an enacted legislative document. Unless the Governor exercises the line-item veto power authorized in this section no later than one day after receiving for signature the enacted legislation, the powers of the Governor as set out in

section 2 apply to the entire enacted legislation. For any disapproved dollar amount, the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. When disapproving a dollar amount pursuant to this section, the Governor may not propose an increase in an appropriation or allocation elsewhere in the legislative document. The Governor shall specify the distinct dollar amounts that are revised, and the part or parts of the legislative document not specifically revised become law. The dollar amounts in an appropriation or allocation that have been disapproved become law as revised by the Governor, unless passed over the Governor's veto by the Legislature as the dollar amounts originally appeared in the enacted bill as presented to the Governor; except that, notwithstanding any other provision of this Constitution for dollar amounts vetoed pursuant to this section, before December 3, 2014 a majority of all the elected members in each House is sufficient to override the veto and on or after December 3, 2014 a majority of all the elected Senators is sufficient to override the veto, and each dollar amount vetoed must be voted on separately to override the veto. Except as provided in this section, the Governor may not disapprove, omit or modify any language allocated to the statutes or appearing in an unallocated section of law.

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

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

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

Section 6. May punish for contempt. Each House, and on or after December 3, 2014, the Legislature, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done, or doing in either House, and on or after December 5, 2012, the Legislature; provided; that no imprisonment ~~shall~~ may extend beyond the period of the same session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 16. Acts become effective in 90 days after recess; exception; emergency bill defined. No Act or ~~joint~~ resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, ~~of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take~~takes effect until 90 days after the recess of the session of the Legislature in which it was passed, unless in case of emergency, in which ~~with~~case the facts constituting the emergency ~~shall~~must be expressed in the preamble of the Act, the Legislature ~~shall, by a vote of 2/3 of all the members elected to each House, or, on or after December 3, 2014, by a 2/3 vote of those elected to the Legislature~~ otherwise ~~direct~~directs. An emergency bill ~~shall~~may include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and ~~shall~~may not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year; or (3) provision for the sale or purchase or renting for more than 5 years of real estate.

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

1. Petition procedure. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature ~~or, until December 2, 2014, to either branch thereof and filed in the office of the Secretary of State by the hour of 5:00 p.m., on or before~~

the 50th day after the date of convening of the Legislature in first regular session or on or before the 25th day after the date of convening of the Legislature in second regular session, except that the written petition may not be filed in the office of the Secretary of State later than 18 months after the date the petition form was furnished or approved by the Secretary of State. If the applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m.; of the next day ~~which~~ that is not a Saturday, Sunday, or legal holiday.

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

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. **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 2014, 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, after December 2014, that provision is amended to mean and must be construed to refer to the one-chamber Legislature.

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

Section 2. Number of members. The Legislature consists of 105 Senators who are elected by the qualified electors and serve terms of 2 years from the day next preceding the first Wednesday in December following a general election. The Legislature that convenes in the year 2012 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 median population figure for each member district. Each member district must be formed of continuous and compact territory and cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. If 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 drawn to cross the municipal boundary, provided that the population remainder of the municipality is contiguous to another municipality or municipalities included in the district.

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

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

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

be made available equally among the political parties represented on the commission to provide travel expenses, incidental expenses and compensation for commission members and for partisan staff and operations.

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

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

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

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

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

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

shall deliver those copies into the office of the Clerk of the Legislature immediately. The Governor shall examine the returned copies of the lists and, 7 days before the first Wednesday of December biennially, shall issue a summons to the persons who appear to have been elected by a plurality of all votes returned to attend and take their seats. All the lists must be laid before the Legislature on the first Wednesday of December biennially and the Legislature shall finally determine who is elected.

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

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

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

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

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

Section 3-A. Election; votes to be returned to Secretary of State; Secretary of State to lay lists before the Legislature; provision in case of tie. This section applies on or after December 3, 2014. The meetings for election of Governor must be announced, held and regulated and votes must be received, sorted, counted and declared and recorded, in the same manner as those for Senators. Copies of lists of votes must be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State for the time being shall, on the first Wednesday after the first Tuesday of January then next, lay the lists returned to the secretary's office

before the Senate to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same. If there is a tie between the 2 persons having the largest number of votes for Governor, the Senate meeting in session and each member having a single vote, shall elect one of the 2 persons having so received an equal number of votes and the person so elected by the Senate is declared the Governor.

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

Section 8. To appoint officers. This section applies to appointments made before December 3, 2014. The Governor shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers, except judges of probate and justices of the peace if their manner of selection is otherwise provided for by this Constitution or by law, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.

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

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

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

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

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

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

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

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. The Governor may, on extraordinary occasions, convene the Legislature; and, until December 3, 2014 in case of disagreement between the 2 Houses with respect to the time of adjournment, adjourn them to such time; as the Governor shall

~~think~~determines proper, not beyond the day of the next regular session; and, if, since the last adjournment, the place where the Legislature were next to convene ~~shall have~~has become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

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

Section 14. Vacancy, how supplied. This section applies on or before December 3, 2014. Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

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

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

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

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

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

Section 15. Temporary mental or physical disability of Governor. This section applies before December 3, 2014. Whenever the Governor is unable to discharge the powers and duties of that office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of that office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 14. Authority and procedure for issuance of bonds. The credit of the State ~~shall~~may not be directly or indirectly loaned in any case, except as provided in sections 14-A, 14-B, 14-C and 14-D. The Legislature ~~shall~~may not create any debt or debts, liability or liabilities, on behalf of the State, ~~which shall~~that singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed \$2,000,000, except to suppress insurrection, to repel invasion; or for purposes

of war; and except for temporary loans to be paid out of money raised by taxation during the fiscal year in which they are made, and except for loans to be repaid within 12 months with federal transportation funds in amounts not to exceed 50% of transportation funds appropriated by the Federal Government in the prior federal fiscal year; and excepting also that whenever 2/3 of both Houses ~~shall deem~~determine or, ~~on or after December 3, 2014, the Legislature determines~~ it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such an action; but this ~~shall~~may not be construed to refer to any money that has been; or may be deposited with this State by the Government of the United States, or to any fund ~~which~~that the State ~~shall hold~~holds in trust for any Indian tribe. Whenever ratification by the electors is essential to the validity of bonds to be issued on behalf of the State, the question submitted to the electors ~~shall~~must be accompanied by a statement setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued; and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors be ratified. For any bond authorization requiring ratification of the electors pursuant to this section, if any bonds have not been issued within 5 years of the date of ratification, then those bonds may not be issued after that date. Within 2 years after expiration of that 5-year period, the Legislature may extend, by a majority vote, the 5-year period for an additional 5 years or may deauthorize the bonds. If the Legislature fails to take action within those 2 years, the bond issue ~~shall be~~is considered to be deauthorized and no further bonds may be issued. For any bond authorization in existence on November 6, 1984; and for which the 5-year period following ratification has expired, no further bonds may be issued unless the Legislature, by November 6, 1986, reauthorizes those bonds by a majority vote, for an additional 5-year period, failing which all bonds unissued under those authorizations ~~shall be~~are considered to be deauthorized. Temporary loans to be paid out of ~~money~~money raised by taxation during any fiscal year ~~shall~~may not exceed in the aggregate during the fiscal year in question an amount greater than 10% of all the ~~money~~money appropriated, authorized and allocated by the Legislature from undedicated revenues to the General Fund and dedicated revenues to the Highway Fund for that fiscal year, exclusive of proceeds or expenditures from the sale of bonds, or greater than 1% of the total valuation of the State ~~of Maine~~, whichever is the lesser.

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

Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from ~~State~~state funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House or, on or after December 3, 2014, by a 2/3 vote of the Legislature. This section must be liberally construed.

Section 23. State park land. State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House ~~or, on or after December 3, 2014, the Legislature~~. The proceeds from the sale of such land must be used to purchase additional real estate in the same county for the same purposes.

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

Section 4. Amendments to Constitution. The Legislature, whenever 2/3 of both Houses ~~shall deem~~determine or, on or after December 3, 2014, 2/3 of the Legislature ~~determines~~ it necessary, may propose amendments to this Constitution; and when any amendments ~~shall be~~ agreed upon, a resolution ~~shall~~must be passed and sent to the ~~selectmen~~municipal officers of the several towns; and the assessors of the several plantations; empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at the next biennial meetings in the month of November; or to meet in the manner prescribed by law for calling and holding biennial meetings of ~~said~~those inhabitants for the election of Senators and Representatives ~~or, on or after December 3, 2014, Senators~~, on the Tuesday following the first Monday of November following the passage of ~~said~~the resolution, to give in their votes on the question, whether such ~~an~~ amendment ~~shall~~should be made; and, if it ~~shall appear~~appears that a majority of the inhabitants voting on the question are in favor of such ~~an~~ amendment, it ~~shall become~~becomes a part of this Constitution.

; and be it further

Constitutional referendum procedure; form of question; effective date.

Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November 2010 following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to eliminate the Senate and the House of Representatives and to replace them with a single-house Legislature of 105 members?"

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

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

SUMMARY

This resolution amends the Constitution of Maine to abolish the Senate and the House of Representatives and to replace them with a unicameral Legislature made up of 105 members who will be referred to as Senators. This reduction requires a reapportionment plan by the Legislature that convenes in December 2012 so that the Legislature elected in November 2014 is unicameral.