



### **Testimony in Support of LD 1331:**

**“RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding  
When the Governor May Call the Legislature into Session”**

Senator Baldacci, Representative Salisbury, and the distinguished members of the Committee on State and Local Government, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free-market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in support of LD 1331, a resolution proposing a constitutional amendment to establish a 90-day waiting period before the Governor may reconvene the Legislature after it has adjourned sine die.

This proposal is a prudent and necessary reform that would restore balance between Maine’s executive and legislative branches and protect the integrity of legislative adjournment. Over the last several years, Governor Janet Mills has exploited a constitutional ambiguity to reconvene the Legislature almost immediately after it has adjourned sine die, effectively nullifying the finality of adjournment. This year, she has strong-armed the Legislature into a post-sine die special session for the third year in a row. This has undermined the Legislature’s constitutional authority and upended long-established norms around the legislative calendar.

This maneuver was used in 2021, 2023, and again in 2025, when the Governor reconvened the Legislature within days of final adjournment.<sup>1 2 3</sup> These actions sidestepped the Legislature’s constitutional authority to determine when its business has concluded and effectively transformed the “extraordinary occasions” clause of Article V, Part First, Section 13 into a tool for routine political use rather than genuine emergencies.

The executive power to reconvene the Legislature was designed to be used only in times of true emergency or urgent necessity—not as a backdoor means to extend the session or resolve partisan impasses. Without a minimum waiting period, this power is not meaningfully checked, undermining the principles of separation of powers and checks and balances. LD 1331 would reestablish that check by requiring the Governor to wait at least 90 days after adjournment before calling the Legislature back into session.

This is not about partisanship. It is about restoring a constitutional balance and ensuring that one branch of government cannot unilaterally override the decisions of another. Our system of government relies on the separation of powers and the finality of

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<sup>1</sup> <https://legislature.maine.gov/house/house/HouseActivities/SessionScheduleFull?Legislature=130>

<sup>2</sup> <https://legislature.maine.gov/house/house/HouseActivities/SessionScheduleFull?Legislature=131>

<sup>3</sup> <https://legislature.maine.gov/house/house/HouseActivities/SessionScheduleFull?Legislature=132>



legislative action. If the Governor can immediately reconvene the same Legislature after sine die adjournment without any limits, the legislative branch will forever remain subservient to the executive. Imagine a world where a more combative former Gov. Paul LePage used this power to continually call the Legislature into session, rather than a world where Gov. Mills uses it to help the legislative majority pass party-line budgets.

Many other states already limit how and when a Governor may call special sessions, whether by subject matter, time constraints, or requiring consultation with legislative leaders. Several states do so by intrinsically limiting special sessions to 30 days,<sup>4</sup> while other states' special sessions may only address the specific issues the Governor described in their call to special session.<sup>5 6</sup> Maine should join them in recognizing that unchecked executive discretion—particularly over the legislative calendar—poses a long-term risk to representative government.

For these reasons, Maine Policy Institute strongly supports LD 1331 and urges the Committee to vote “Ought to Pass.” This resolution is vital to reining in executive overreach and restoring legislative independence. Thank you for your time and consideration.

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<https://akleg.gov/pages/legbranch.php#:~:text=Special%20sessions%20may%20be%20called,limited%20to%2030%20calendar%20days>.

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<https://law.justia.com/constitution/arizona/4/3.p2.htm#:~:text=In%20calling%20a%20special%20session,subjects%20mentioned%20in%20the%20call>.

<sup>6</sup> <https://codes.findlaw.com/ga/constitution-of-the-state-of-georgia/ga-const-art-5-sect-2-vii/>